

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions. The resolutions were unanimously agreed to.

#### ADJOURNMENT.

Accordingly at 12 o'clock and 11 minutes p. m. the House adjourned until Saturday, December 17, 1921, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

423. A letter from the Secretary of the Treasury, transmitting number of claims filed by contractors for post offices and other buildings and works under the supervision of the Treasury Department; to the Committee on Expenditures on Public Buildings.

424. A letter from the Secretary of the Navy, transmitting a list of disbursing officers of the Navy who have been relieved of losses under the provisions of the act approved July 11, 1919, to and including June 30, 1921; to the Committee on Expenditures in the Navy Department.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LARSON of Minnesota: A bill (H. R. 9596) to authorize suits or actions against collectors or their successors in office in certain cases; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: A bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 9598) to provide for the consolidation or a redistribution of the powers and duties of certain executive departments of the Government of the United States relating to the Territory of Alaska, and for other purposes; to the Committee on the Territories.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3323. By Mr. BEEDY: Resolutions by conference of Methodist Preachers and Laymen, Portland (Me.) district, urging international disarmament to a degree sufficient only as a police force; to the Committee on Foreign Affairs.

3324. By Mr. CULLEN: Resolution of the employees of the New York Navy Yard, relative to employees of navy yards in case of limitation of armaments; to the Committee on Naval Affairs.

3325. By Mr. KISSEL: Petition of Kirkman & Son, of Brooklyn, N. Y.; to the Committee on Ways and Means.

3326. Also, petition of Flatbush Chamber of Commerce (Inc.), of Brooklyn, N. Y.; to the Committee on the Merchant Marine and Fisheries.

3327. By Mr. JAMES: Resolutions adopted by the Calumet Chamber of Commerce, in favor of the Great Lakes-St. Lawrence tidewater canal; to the Committee on Rivers and Harbors.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, December 17, 1921.

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whose presence we find sweet repose, at the open door of this new day we turn again to Thee. We believe that Thou hast forgotten past failures and past sins. Then help us to forgive and forget the wrongs of yesterday. May every heart become the home of love and never the dwelling place of hate. Out of this day may there come new vision, greater outlook, broader understanding, and higher joys; but more than all things else, a deeper infolding of things divine, which are redemptive and final. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### COMMITTEE TO ATTEND THE FUNERAL OF THE LATE REPRESENTATIVE ELSTON.

The SPEAKER. The Chair appoints the following committee to attend the funeral of Mr. ELSTON:

Mr. KAHN, Mr. RAKER, Mr. CURRY, Mr. NOLAN, Mr. LEA of California, Mr. OSBORNE, Mr. BARBOUR, Mr. FREE, Mr. LINEBERGER, Mr. SWING, Mr. MONTAGUE, Mr. WINGO, Mr. KINCHELOE, Mr. MCARTHUR, Mr. MCCLINTIC, Mr. SNYDER, Mr. MICHENER, and Mr. WEBSTER.

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2831. An act to authorize the State of Washington to construct a bridge across the Snake River at or near Central Ferry in or about section 9, township 13 north, range 40 east, Willamette meridian.

The message also announced that the Senate had passed with amendments the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, had insisted upon its amendments, and requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. CUMMINS, Mr. BRANDEGEE, and Mr. WALSH of Montana as conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, had requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and had appointed Mr. BALL, Mr. JONES of Washington, and Mr. KING as conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

#### Senate resolution 197.

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN ARTHUR ELSTON, late a Representative from the State of California.

*Resolved*, That a committee of eight Senators be appointed by the Vice President, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives, and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

Also that the Vice President had appointed, under the second resolution, Mr. SHORTRIDGE, Mr. JOHNSON, Mr. LENROOT, Mr. NICHOLSON, Mr. STANFIELD, Mr. HARRISON, Mr. WALSH of Montana, and Mr. PITTMAN.

The message also announced that the Senate had passed bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; and

S. J. Res. 12. A joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

S. J. Res. 142. A joint resolution to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress.

The message also announced that the Senate had passed the following resolution:

#### Senate resolution 196.

*Resolved*, That the House of Representatives be, and hereby is, requested to return to the Senate the bill (S. 205) entitled "An act relating to the fiscal system of the District of Columbia, and for other purposes."

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2831. An act to authorize the State of Washington to construct a bridge across the Snake River at or near Central Ferry, in or about section 9, township 13 north, range 40 east, Willamette meridian; to the Committee on Interstate and Foreign Commerce.

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

S. J. Res. 12. Joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture.

#### ELECTION OF MEMBERS TO COMMITTEES.

Mr. MONDELL. Mr. Speaker, I present a resolution providing for elections to committees of the House and ask for its immediate consideration.

The SPEAKER. Before that, the Chair will lay before the House the following communication, which the Clerk will read. The Clerk read as follows:

DECEMBER 15, 1921.

Hon. FREDERICK H. GILLET,

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committees on Territories, Reform in the Civil Service, and Elections No. 1, to take effect immediately.

Very respectfully, yours,

GEO. P. CODD.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The gentleman from Wyoming presents a resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 252.

Resolved, That A. PIATT ANDREW, Member of Congress from the sixth district of Massachusetts, be, and he is hereby, elected a member of standing committees of the House as follows: Coinage, Weights and Measures, Reform in the Civil Service, and Expenditures in the Department of Commerce; and

That CYRENUS COLE, Member of Congress from the fifth district of Iowa, be, and he is hereby, elected a member of the Committees on Flood Control, Claims, and Expenditures in the Agriculture Department; and

That THOMAS S. CRAIG, Member of Congress from Pennsylvania, be, and he is hereby, elected a member of the Committee on Military Affairs; and

That J. M. C. SMITH, Member of Congress from the third district of Michigan, be, and he is hereby, elected a member of the Committee on Foreign Affairs; and

That GEORGE P. CODD, Member of Congress from the first district of Michigan, be, and he is hereby, elected a member of the Committee on Naval Affairs.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### PAYMENT OF DECEMBER SALARIES OF EMPLOYEES OF CONGRESS.

Mr. MADDEN. Mr. Speaker, I present a resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois presents the following resolution, which the Clerk will report.

The Clerk read as follows:

#### House joint resolution 234.

Joint resolution (H. J. Res. 234) authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

Be it resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and instructed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police and the legislative drafting service and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1921, on the 20th day of said month.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 to supply a deficiency in the appropriation for the contingent expenses of the House of Representatives, fiscal year 1922, namely, for miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. MADDEN. Mr. Speaker, I would like to say in connection with this \$15,000 for the contingent fund of the House that there is only \$5,000 at present in the contingent fund, and the bills to be paid for this month amount to \$4,500, and the ordinary expenses that have been called for for the two funerals, one which has just taken place and the other about to take place, make necessary the granting of this additional fund in order that the bills may be paid.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. TEMPLE. Mr. Speaker, I move that the House resolve itself—

#### NO QUORUM—CALL OF THE HOUSE.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dupré	Kreider	Rainey, Ala.
Ansorge	Echols	Kunz	Ransley
Appleby	Edmonds	Langley	Rayburn
Arentz	Fenn	Larson, Minn.	Reavis
Atkeson	Fields	Lawrence	Reber
Bacharach	Fish	Leatherwood	Reed, W. Va.
Beedy	Fisher	Lee, N. Y.	Rhodes
Baxter	Focht	Lineberger	Riddick
Black	Free	Longworth	Riordan
Blakeney	French	Luhling	Roach
Bland, Ind.	Funk	McCormick	Robison
Blanton	Gahn	McFadden	Rosenberg
Bond	Gallivan	McLaughlin, Pa.	Rosenbloom
Bowers	Garner	Maloney	Rossdale
Brand	Gilbert	Mann	Ryan
Brennan	Goldsborough	Mansfield	Sanders, Ind.
Brinson	Gould	Mead	Schall
Britten	Graham, Pa.	Michaelson	Sears
Brooks, Ill.	Griest	Montague	Shaw
Brooks, Pa.	Hardy, Tex.	Moore, Ill.	Shelton
Brown, Tenn.	Hawes	Morin	Sinclair
Burke	Hayden	Mott	Snyder
Burness	Hays	Mudd	Stiness
Burton	Herrick	Nelson, J. M.	Strong, Pa.
Carew	Himes	Newton, Minn.	Sullivan
Chandler, Okla.	Hooker	Newton, Mo.	Swing
Christopherson	Hudspeth	Nolan	Taylor, Ark.
Clark, Fla.	Hull	Norton	Taylor, Colo.
Classon	Humphreys	O'Connor	Taylor, N. J.
Codd	Hutchinson	Olpp	Thomas
Cole, Iowa	James	Osborne	Tinkham
Collier	Jeffers, Nebr.	Paige	Underhill
Connell	Johnson, Miss.	Parker, N. J.	Upshaw
Connolly, Pa.	Johnson, S. Dak.	Patterson, Mo.	Vare
Coughlin	Jones, Pa.	Patterson, N. J.	Volk
Crago	Kearns	Perkins	Ward, N. Y.
Crowther	Kendall	Perlman	Webster
Cullen	Kennedy	Peters	Willson
Dale	Kiess	Petersen	Wood, Ind.
Davis, Tenn.	Kinkaid	Porter	Woodyard
Denison	Kitchin	Pou	Wurzback
Dominick	Klecza	Pringey	
Drane	Knight	Quin	
Dunn	Knutson	Radcliffe	

The SPEAKER. Two hundred and fifty-eight Members, a quorum, have answered to their names.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call.

The motion was agreed to.

#### RUSSIAN RELIEF.

Mr. TEMPLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

Pending that motion, Mr. Speaker, the rule provides that the time shall be controlled, one-half by those in favor of the bill and one-half by those opposed to it. I ask unanimous consent that the time in opposition to the bill be controlled by the gentleman from Texas [Mr. CONNALLY] and the time in favor of the bill by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that one-half of the time be controlled by himself and one-half by the gentleman from Texas [Mr. CONNALLY]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill referred to.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, with Mr. TOWNES in the chair.

Mr. TEMPLE. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. WALSH. Mr. Chairman, I think we ought to have the bill read. It is a short bill, only 12 lines.



The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the President is hereby authorized, through such agency or agencies as he may designate, to purchase, transport, and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Grain Corporation, a sum not exceeding \$20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Mr. TEMPLE. Will the Chair kindly notify me when I have consumed 10 minutes?

Mr. Chairman and gentlemen of the committee, this bill is the result of the suggestion made by the President in his address to Congress on the 5th of December when we convened. He called attention particularly to the needs of the region in Russia in the district of the Volga, which is suffering from drought. There is a food shortage throughout Russia, and not only in that country but in many other parts of Europe and in Asia. In Russia the difficulty has come from several causes. The war disturbed Russia as it disturbed all the rest of the world.

In 1917 came the revolution, which brought peculiar disturbances upon that country, and in the fall of 1917 came the second revolution, overthrowing the Kerensky government and establishing the régime of the soviet system, with the long-continued and destructive civil war, which grew out of that revolution and attempts at counter-revolution.

Since that time matters have gone from bad to worse, and I may say it is well known that a considerable part of the difficulty, even in the farming regions of Russia, is the result of the system established by Lenin and Trotski. The farmer has no very great desire to raise crops that are taken from him without compensation. There was a falling off in 1918, in 1919, and in 1920; but in 1921 came an exceedingly severe drought, and in the richest agricultural region of Russia there has been practically a total failure of the crop.

Without attempting to spread attention over the whole of Russia or over the whole of the Volga district we might notice definite figures in regard to small areas.

In the commune of Schilling, to which our attention was called in the committee by Gov. Goodrich, of Indiana, who has just returned from a trip of investigation in that country, we find conditions that are appalling. The facts are interesting and the subject before the committee is important. I do not ask for a hearing for my own sake, but for the facts that I am going to present.

This small commune of Schilling has a population of 3,798 and an area that gives them about 3½ acres per capita.

In 1919 the total grain crop of that commune or township—to compare it with a unit of approximately the same area in our own country—amounted to 37,950 poods, a pood being 36 pounds, more than a half bushel. Of these 37,950 poods the soviet government took 12,000 poods, or about one-third, without compensation.

The next year the farmers did not feel so much like sowing large crops. They would sow for their own needs, and the crops amounted to 30,533 poods as compared with 37,950 poods the year before.

The next year, 1921, there were sowed in that small commune 1,255 poods, or roughly 700 bushels, and the drought was such that the farmers did not get back even the amount of the seed that they had put into the ground.

Domestic animals in that commune decreased. In 1919 there were 1,223 horses. In 1920 there were 891. In 1921 there were 451.

The sheep in 1919 were 1,352; in 1920, 1,151; and in 1921, 424.

Of hogs in the same commune in 1919 there were 781; in 1920, 246; and in 1921, 58. The number of animals decreased because there is not food enough for the animals and for the population.

They are slaughtering draft horses, milch cows, and even their breeding stock in order that the owners may have food for immediate necessities. Even with these efforts the extraordinary deaths are numerous. Since July 1, 1921, to say nothing of the ordinary deaths in that commune, out of a total population of 3,800 people, there have been 25 deaths from cholera, 30 from typhus, and 45 from starvation.

That commune at the time of the visit of Gov. Goodrich had 1,146 children under 15 years of age. It is estimated that 800 of them will die of starvation before spring unless outside aid comes to their relief.

Dr. Vernon Kellogg told us the mode of dealing with these starving children. When the American Relief Administration went in there were local committees which had been organized by the soviet authorities for such relief as they were attempting to give. The American Relief Administration would

not use the soviet committees, but organized its own, so that everything would be under American control.

They have established kitchens, where some of the children are fed. They have not had sufficient supplies in any locality to feed all the starving children. They select to be fed those that are strong enough to give promise of possibility of living until spring. They do not waste food on those who are going to die anyway. If this bill passes, that sort of selection, which seems so heartless but which is a brutal necessity, will no longer be a necessity. If out of our comparative abundance we give what we can spare, we can save the lives not only of the people of this community but others—and I have given a microscopic view of one small area like this; everywhere it is the same.

The whole area of acute drought and famine is about 500 miles wide and 800 miles long, and the population is from 15,000,000 to 18,000,000. Nobody can foretell with accuracy the number who will die before another harvest, but as nearly as can be estimated the deaths will be from 7,000,000 to 9,000,000.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. CHANDLER of New York. I am anxious to know how large an area this applies to; what is meant by Russia.

Mr. TEMPLE. The estimates I have given are for the Volga Valley only where the drought has come. We are endeavoring to make a distinction between conditions brought on by misgovernment of Russia, by the errors and crimes of men, and those that arise from an "act of God."

Mr. CHANDLER of New York. Would not the condition of the people under the term "Russia" include the whole ancient empire?

Mr. TEMPLE. Aid could be given throughout Russia, so far as the bill is concerned, but I believe the purpose is to limit the work to the Volga district, as suggested by the President in his message. This district is already covered by the American Relief Administration or the Quakers' relief work, or it is being organized by these agencies as rapidly as possible.

Mr. CHANDLER of New York. I would like to ask the gentleman if that is the definite purpose?

Mr. TEMPLE. There is nothing in the bill that limits the relief work to the Volga district, as the gentleman will observe by reading it.

Mr. CHANDLER of New York. Will the administrators under the act follow that?

Mr. TEMPLE. If the gentleman will allow me to go on he will get the point of view.

The CHAIRMAN. The gentleman from Pennsylvania has occupied 10 minutes.

Mr. TEMPLE. I have only one hour and I have promised more time than I really have, and I do not wish to take the time away from any other man. However, I will take five minutes more.

There is a physical limit to the possibilities of relief. The transportation systems of Russia are so out of joint that there is a limit to the quantity of food that can be delivered. Russian authorities claim to have 440,000 freight cars, but authentic sources of information indicate that they have in good repair only about 20,000. There are two railroads that will reach the Volga district, one coming in from Riga and the other from Novorissisk, on the Black Sea, though it is a little uncertain whether the line from the Black Sea has been repaired since the Wrangel invasion. The testimony coming to our committee is that the total capacity of the two railroads at the present time would be about 100,000 tons a month, or about 22,000,000 bushels in the course of the winter before the new harvest comes in. There is that physical limitation to the possibilities of getting the grain to them. We can not control conditions in Russia, and if we attempt to go all over Russia we will do no good at all. But if we distinguish between that part of Russia that is in distress because of misgovernment and that part that is in distress because of the drought, which no government could prevent, and confine ourselves to the district where the work is all organized, where the American Relief Administration and the Friends Relief are organized and at work, we can actually do some good. But if we spread it out over Russia we will have to have more than \$20,000,000 and still be hampered by limitation of transportation. [Applause.]

Mr. STAFFORD. Will the gentleman give the amount raised by private donations?

Mr. TEMPLE. My time is exhausted. That may be brought out later.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I am satisfied if this printed report were read by each and every Member this bill would pass unanimously. The evidence that has been presented to

the Committee on Foreign Affairs by former Gov. Goodrich, of Indiana; Dr. Vernon Kellogg, secretary of the National Research Council; and Secretary Hoover, of the Department of Commerce, concerning the present terrible conditions existing in the Volga Valley in Russia are of such character that I feel there is not a person within the United States who would refuse to cooperate in every way to help in securing the passage of this meritorious and deserving relief measure.

The conditions are really indescribable. There are millions of men, women, and children who are now starving. The situation is such that it can not be ignored by any man—it matters not how heartless he may be. Former Gov. Goodrich has explained that there are upward of 20,000,000 people in the Volga district who are actually starving, and unless immediate aid is given them they will perish. It is hoped by this relief some may be saved, and it is therefore imperative this legislation be passed without delay. Some Members are under the impression that perhaps this aid will be sent into the large districts or cities. I wish to correct that impression by saying that the proposed aid is contemplated to reach the agricultural districts, where it has been shown the suffering is greatest.

I feel that the American people will gladly approve our action, especially when it means, as has been stated by the gentleman from Kentucky, a gift that will amount to a tax of about 20 cents per person. I do not doubt that every man, woman, and child in our country would be ready and willing to contribute five times as much as that sum to save at least one child, not to say anything about giving salvation to a million children. There is no one so poor in this country who is not ready to make that contribution to save the life of a child, even if it is the child of a Russian peasant.

Mr. Chairman, the evidence given by former Gov. Goodrich and others is to the effect that every ounce of foodstuff that is being sent now, which is being distributed under the direction of the American relief organization, reaches the people it is intended to reach. Oh, there may be a question in the minds of some who are not conversant with the conditions there, who may feel that because of the bolshevik government we should not aid these unfortunate people by giving them food. However, the fact is borne out by every person who has appeared before the Foreign Affairs Committee that the present government, it matters not how bad it is, is aiding to its full extent in cooperating with the relief committee in expediting the shipments and in the distribution and care of the supplies.

Not only that, but they have also assured the committee, and I hope I am not violating any confidence when I state this, that the present government is ready and willing to turn over to our committee or to this committee every dollar or ounce of American gold it has in its treasury, amounting to five or six million dollars, which would be added to the sum proposed in the bill before us, in order that they may purchase enough corn, wheat, and condensed milk to save these unfortunate people.

Mr. WARD of North Carolina. Mr. Chairman, how many days before you can make this relief felt?

Mr. SABATH. Immediately, and I will state why. The moment the American Relief Committee knows that this measure has been agreed to they will cable over there and those who have a little on hand will gladly share with those that have nothing to eat now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Chairman, will the gentleman yield me two minutes more?

Mr. CONNALLY of Texas. Mr. Chairman, I yield the gentleman two minutes more.

Mr. SABATH. Mr. Chairman, I hope the Members of the House will have time to read the report. It has been stated that this relief will also afford relief to millions of our own people. Such statements I am sure have not been made with the intent to sway sentiment, but for the purpose of bringing home actual truth to the membership that, though it may appear we are asked to give a large sum of money, it will not only come back to us a thousandfold but will create a greater demand for our surplus products and grains that the farmer has found impossible to sell anywhere near the cost of production. The sending of 15,000,000 to 20,000,000 bushels of corn, of 2,000,000 to 3,000,000 bushels of wheat for seedling purposes, together with condensed or powdered milk, will materially help in saving the lives of thousands upon thousands of the unfortunates in Russia. It will also stimulate the export of these commodities and thus afford relief not only to the suffering farmer but to the entire Nation as well. When farmers are prosperous, when farmers have money, they buy and spend, and therefore a demand is created for manufactured articles, and such demand means stimulated business.

Mr. Chairman, I desire to call attention particularly to the report of the members of the relief committee who testified before the Foreign Affairs Committee. They are men who are holding, or who have held, high responsible positions in our Government. Despite the reports which have emanated from various sources in the past few months that the bolshevik government has taken away from the people supplies of grains and foodstuffs, this committee of representative Americans report to the contrary; in fact, they claim there was nothing to take away from the people.

The present famine, it is stated, is due to the drought in 1919, which reduced the harvest to 50 per cent of that of the former year; in 1920 the production was about 35 per cent and in 1921 there was practically no harvest, and in some localities the production was hardly enough for seeding for planting next spring.

Mr. Chairman, I again appeal to the membership of this House to consider the report of the special representatives of the committee which have investigated the situation. I hope, when they have read the report, that they will express their confidence in these unbiased and uninterested American representatives to the end that they will believe as I do—that it is the duty of the representatives of the greatest and richest country in the world to save from misery—yes, the starving of millions of these unfortunate people. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Under leave to extend my remarks, I desire to insert extracts from the statements made by former Gov. Goodrich, of Indiana, before the Committee on Foreign Affairs. His comment and close observation as to actual conditions, I feel, will apprise the people of our Nation as to the dire need of relieving the sufferings of millions of unfortunate peoples. [From the hearings before the Committee on Foreign Affairs, House of Representatives, December 13 and 14, 1921.]

STATEMENT OF HON. JAMES P. GOODRICH, FORMERLY GOVERNOR OF INDIANA.

Mr. GOODRICH. Mr. Chairman and gentlemen of the committee, the chairman stated that I had just returned from Russia. I spent about two months there, going through the famine districts. I first went to Moscow, then out to Samara and down the Volga River to Saratov, then on down the river 30 miles below Saratov. I drove out in that lower Volga district to 16 different communes, going into the various communal houses, examining their records, going through their grain houses, collecting all the statistics that I could get, to ascertain the true situation. I afterwards went out to Kazan, and from Moscow to Petrograd, covering pretty much all of the so-called famine district except the extreme lower part, and, perhaps, a part of it at the north end extending out toward the Siberian frontier.

In going into the German and Russian communes and the Russian communes in the lower Volga I found an appalling situation. On going into the cities and observing these great, strong, round-faced, red-cheeked men and women in the bazaars and on the streets, one would think there was no famine in that country, but when you go into the community houses where deserted children and orphans are assembled, go out into the communes and into the communal homes where they have gotten them together, you realize how terrific the situation is, especially when you get down to the brass-tack facts and see the small amount of food that they have there upon which they must depend to sustain life for the next six months.

We visited the communal home, where orphans and abandoned children are collected from the near-by communes. We found 145 children in this home. They are first taken into one part of the home, deloused, and given a bath. These children when they come in are dirty, ragged, living skeletons, with a helpless, hungry look in their faces, and take little or no interest in their surroundings. They seem more like an animal that has been shot to death and crawled off in the brush to die. It was a terrific sight for an American to witness. After the children are cleaned up they are given rough cotton clothing, very scant and light, most of them without shoes and stockings, although the thermometer on the day we were there was 28° below zero and the home in which they were quartered not very well heated on account of the shortage of fuel.

I found in this commune 41 houses which had been abandoned. The owners had either died or left the commune. The roofs had been torn off these houses to get wood for fuel. Fuel is very scarce in that country, for the lower Volga is almost as devoid of timber as western Kansas. They burn manure, which is made up in small blocks, and some peat. On the outskirts of this commune, Houk, as we passed a small shed near one of the abandoned houses we found in it two little girls, 10 and 12 years of age. They came out of the shed holding their arms close about them, shivering and crying in the cold, bitter wind blowing the snow across the commune that day. I inquired as to their trouble. They said that their father and mother and two of their brothers had died of cholera and starvation the week before.

I tell you these things in order that you might get some idea as to the things that are happening in Russia. I went into a peasant's home in the Province of Saratov, where a man and woman were lying at the point of death. They had had nothing to eat for over a week; no money to get anything with. They said, "There is no hope for us; we are too weak to get out; we shall die, but it does not matter." Many stories of this kind are being told you of the things we saw and heard throughout the famine district. It is difficult for Americans to understand this situation. In these same communes where the terrible conditions I relate occur, a great majority of the people have sufficient to eat and are at this time living in comparative comfort.



The soviet government, whatever you may say or think about it, is cooperating to the fullest extent. It will not permit a pound of the food to be diverted, but is carrying it to its destination without loss. It is the death penalty for anyone to steal food from the American Relief Administration. I heard of a man tell the American Relief Administration officers at Saratov that if anyone stole anything not to fool with them but to report them, and that anyone found stealing American food would be stood up against a wall and shot. There has been a remarkably small amount of food lost. They have an organization down in all those places.

Mr. Chairman, I also insert extracts of statements of Dr. Vernon Kellogg, permanent secretary of the National Research Council, who returned to the United States October last after spending a month in observation of conditions in Russia:

The situation is simply incredible to one who has not seen it; indescribable even by one who has seen it. I have seen nothing like it in my six years of experience in the food shortage regions of Europe. In a given spot in Poland, for example, 200 children might be found in as bad condition, but that condition is the rule all through the Volga region, a region of great extent, with a vast population. There are at least 15,000,000 people in the famine region of the Volga, while around that famine region is a food-shortage region including 15,000,000 more. Senator Burton, there is not food enough in the surrounding region to keep the people alive, let alone any to send into the famine regions.

As Gov. Goodrich has pointed out, there is an agricultural breakdown in Russia which has been becoming more and more serious for the last two or three years. And then on top of this has come a terrible drought, extending over one of the three chief grain-producing regions of Russia, a region which under normal conditions produces food for Moscow and the industrial regions and even for export to other parts of Europe. That food is gone. It is simply a catastrophe.

The soviet government has tried to bring in food. It has been able to bring in only a very small amount. It has tried to bring in seed. I was there when the Government seed trains came down into the Volga and the seeds were parceled out to the farmers. The farmers took the seed and planted it. I talked with many of them and with many of the officials, and there was no one more optimistic in his statement than to say that they had more than one-fifth of their normal needs for planting. Still they can seed more thinly and thus seed more than one-fifth of a crop.

But the individual situation is that millions of people are out of food. I am confident I am telling the truth when I say millions of people are doomed to die in the Volga region unless relief on a large scale comes from outside. The American Relief Administration has paid attention simply to children. We have but limited resources. We do not want to talk politics. But when it comes to the saving of children it is difficult for me to make a distinction between starving children of Belgium, Poland, Russia, or even of America, if that catastrophe should come to us. The children have had nothing to do with the causes of the famine or the present conditions of Russia.

The CHAIRMAN. How do you distinguish so far as the children are concerned there? Is there some age limit?

Dr. KELLOGG. It would carry us far afield if I attempted to describe the system of the American Relief Administration. But we limit the children to those from birth to 15 years. We set up in whatever region in which we are working local committees with some doctors as members. The committees are selected by us and not by the soviet government. Say that here are five candidates and we can feed but one; we pick out that one of the five that most needs the food. Not the one in the worst condition, necessarily, but the one that can be saved and kept alive and grow strong. We have to-day that system in Russia, as we have had it in Poland and other countries all the time. The officials of the Tartar Republic said, "We have a committee in each of the various towns and villages of the Province, because there is a certain amount of relief work going on all the time. We will just turn over these committees to you." We said, "No; we will set up our own committees. We Americans are responsible to the American people that this food goes only to the children we select, and we must know and must control that work absolutely." It is known in Russia to-day that it is American work.

The soviet government gives us transportation and guards, and so far there has not been a single thing in the work that would indicate danger to the food. We control that food absolutely, the use of every ton of it. There is an American placard on every car of food, on every warehouse, on every motor truck, on every kitchen and dining room.

Mr. Chairman, the Secretary of the Department of Commerce, Mr. Hoover, also appeared before the Committee on Foreign Affairs, and I desire to insert the following extract from his remarks:

Secretary HOOPER. I feel that public charity will do everything that charity can do, but these are times when one can not rightly summon much public charity for use abroad from the American people. There are a great many committees working throughout the country under great difficulty, but with a great deal of energy. I do not believe, however, that the total collections since August of the entire group amount to \$750,000. Public charity is to be not an avenue through which this problem can be solved.

Some question has been raised in here and elsewhere as to our own economic situation not warranting our extending relief abroad. I would like to discuss it from two points of view. The first is whether we can afford it. In a general way this country is spending something like \$1,000,000,000 a year on tobacco, cosmetics, ice cream, and other nonessentials of that character. It does not look to be a very great strain on the population to take \$20,000,000 for a purpose of this kind. If our own people suffer we surely possess also the resources to care for them. It has also another economic bearing. The food supplies that we wish to take to Russia are all in surplus in the United States, and are without a market in any quarter of the globe.

We are to-day feeding milk to our hogs; burning corn under our boilers. From an economic point of view there is no loss to America in exporting those foodstuffs for relief purposes. If it is undertaken by the Government it means, it is true, that we transfer the burden of the loss from the farmers to the taxpayer, but there is now economic loss to us as a Nation, and the farmer also bears part of the burden.

Mr. Chairman, I also desire to insert part of the remarks of Mr. Samuel Gompers, President of the American Federation

of Labor, who appealed for the passage of this relief legislation:

What I wanted to be sure about before I expressed a word in favor of this legislation now pending here before the committee is that I wanted to know whether if the American Congress shall out of the pockets of the people expend \$10,000,000 or \$20,000,000 for the relief of the famine-stricken people of Russia, whether it would give aid and comfort to the present Government of Russia, and I wanted to know whether they would be in absolute control of this fund and this relief by the American Relief Administration, that it would not be taken over to help the existing régime in Russia called the soviet government, and whether it would tranquillize the people to such an extent as that they would help the present régime as final.

Mr. CONNALLY. You heard the testimony of this gentleman that on the other hand, this government, instead of being a government of vultures, was aiding and helping to distribute this food, and it actually made contributions to other Provinces. Does that disabuse your mind of any impression that there would be any confiscation of that property by the government?

Mr. GOMPERS. I made the statement that I have just made to explain the position which I occupy and think my mind was disabused before I came here this afternoon. I came here to add my appeal to that which has already been made before this committee. I want that your committee shall know, and I want that those whom I had the honor in part to represent to know, that I am here expressing their views and having been satisfied with the appropriation by the Government of funds for the purpose of this relief, in as far as I can add anything I shall be very pleased to appeal to you to pass this legislation.

Mr. Chairman, to relieve the fear that may be in the minds of some that the relief may not reach the people of Russia, I insert the agreement entered into between the American Relief Administration and soviet authorities.

#### AGREEMENT BETWEEN AMERICAN RELIEF ADMINISTRATION AND SOVIET AUTHORITIES RE RUSSIAN RELIEF—PREAMBLE.

Whereas famine condition exists in Russia; and  
Whereas Gorky with sanction soviets has applied through Hoover to American people for charitable assistance to the starving and sick people of Russia, more particularly the children; and  
Whereas Hoover and American people have read with great sympathy this appeal on the part Russian people in their distress and are desirous solely for humanitarian reasons of coming to their assistance;

Therefore it is agreed between American Relief Administration, unofficial volunteer American charitable organization under chairmanship of Hoover, hereinafter called American Relief Administration, and Russian Socialist Federal Soviet Republic, called soviet authorities, that the American Relief Administration will extend such assistance to Russian people as within its power, subject acceptance and fulfillment following condition on part soviet authorities, who hereby declare that there is need of this assistance on part of American Relief Administration:

1. The soviets agree that the American Relief Administration may bring in such personnel as it thinks necessary for the efficient administration of relief, and that it be assured of full liberty and protection in Russia. Non-Americans and Americans detained in Soviet Russia since 1917 are to be subject to the approval of the soviet authorities.

2. The relief administration personnel shall have all facilities for entry to and exit from Russia and liberty of movement therein on official business.

3. The relief administration shall have complete freedom in the selection of local personnel.

4. It shall deliver supplies at a Russian port or the nearest practical adjacent point, and the soviet authorities are to bear all further charges for the same.

5. The soviet will supply storage base points and the transportation needed for supplies.

6. The soviets will give the relief administration the same priority in this as that accorded to their own relief and will furnish adequate guards for convoys, etc.

7. The soviets will allow the free import and reexport of all relief administration supplies whatever and will guarantee them against requisition.

8. Relief supplies are to be devoted to the sick and children only as designated by the relief administration, and are to remain the property of the administration until consumed. The distribution is to be in the name of the administration.

9. No individual receiving relief-administration rations is to be deprived of a share of such local supplies as are given to the rest of the population by soviet agencies.

10. The soviets guarantee to take steps to insure that supplies do not go to the general population, the army, navy, or Government employees, but only as designated by the relief administration.

11. The soviets undertake to reimburse in American dollars or replace in kind any supplies that are misused.

12. The relief administration may set up necessary organizations for relief free from Government or other interference. The central and local soviet authorities have the right of representation therein.

13. The soviet authorities are to provide necessary premises for kitchens, dispensaries, and, as far as possible, hospitals and necessary fuel for cooking in the same, and the distribution and feeding equipments. The soviets will bear the total cost of local relief administration, food preparation, distribution, etc., and of local medical personnel and assistance needed to administer relief. They will give free rail, motor, and water transportation for the movement of relief supplies, and such personnel as is necessary efficiently to control the relief operations. They will assign railroad cars to the relief personnel for moving, living, etc.

14. The relief administration is authorized to take such measures as are necessary to insure sanitary conditions, water supply, etc., in the area where epidemics are raging.

15. The soviets will supply offices, garages, and storerooms free of charge, with light, heat, and water for the same, and residential quarters for the personnel, all free from requisition. Examination of all or any of said premises can only be made with the knowledge of and in the presence of the chief of relief operations or his representative, and then in case of a so-called flagrant delict.

16. The soviets guarantee the freedom and priority of the relief administration communications, without cost, by means of the existing radio, telegraph, telephone, postal, and courier services, and, if avail-



able, the use of private telephones and telegraphs will be permitted for the relief administration's use (subject to consent of the authorities).

17. The American personnel, representatives, and couriers will receive the customary diplomatic privileges at the frontiers.

18. The soviets will supply, free of cost, gasoline oil for motor transport.

19. The soviets will give baggage and supplies free transportation.

20. The soviets will allow the importation and reexport, free of duty (requisition), of the necessary commissary (transport and office) supplies.

21. The soviets will acquaint the Russian people with the aims and methods of the American Relief Association work to facilitate rapid development of its efficiency and will assist and facilitate supplying the American people with reliable and nonpolitical information as to the existing conditions and the progress of the relief work as an aid in the development of financial support for the work in America.

22. The soviets will bear all the expenses of relief operations other than the cost of relief supplies and the direct expenses of the American control and payment of the American personnel, and in general will give the relief administration all the assistance in their power.

23. (NOTE.—Deals with questions of warehousing, which are to be settled later.)

24. The American Relief Administration agrees to organize as quickly as possible, within the limits of its resources, to supply food, clothing, and medical help, particularly to children and sick persons within age limits to be decided by American Relief Administration.

25. Relief is to be distributed without regard to race, religion, social, or political status.

26. The personnel in Russia will confine itself strictly to the administration of relief and will engage in no political or commercial activities whatever. Any person contravening this engagement shall be withdrawn or discharged on the request of the central soviet authorities. The central soviet authorities will submit to the chief office of the American Relief Administration the reasons for this request and the evidence in their possession.

27. The American Relief Administration will carry on relief operations where it finds relief can be administered most effectively and will secure the best results. Its principal object is to bring relief to the famine-stricken areas.

28. (Missing.)

29. The relief administration will import no alcohol in its relief supplies.

30. The American Relief Administration will agree to permit customs inspection of its imported relief supplies at mutually agreed upon points.

#### CANCELLATION CLAUSES.

The soviet authorities having agreed to release all Americans detained in Russia and facilitate the departure from Russia of all Americans so desiring, the relief administration reserves the right to suspend temporarily or terminate relief operations in Russia in the event of failure by the soviet authorities to comply with this primary condition or any other points of the contract. The soviet authorities equally reserve the right to cancel the agreement in the case of nonfulfillment by the American Relief Administration.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, everyone in this Chamber has sympathy for those who have met with such dire and distressing conditions as have been depicted here, not only in Russia, but in Armenia, in Poland, in Germany, in China, in India, wherever there may be distress; but in voting for this relief measure we are launching ourselves into unknown seas, and we can not tell where our course will take us. If we had responded to similar calls for relief in the last 20 years we would have appropriated a billion dollars. I remember that in 1916, after the German drive across Poland, which left death, desolation, and starvation in its train, there was a demand on Congress to appropriate \$500,000,000 to relieve that distress—conditions equally distressful with those in this instance. Where are we to stop if we are to adopt a policy of this kind? Government appropriations will not invite private subscriptions as have been going on in this and many other appealing cases, and once you adopt this policy you immediately check private contributions, and the call will come always to the National Government to have Congress reach into the Treasury and vote the necessary funds. Propagandists will be at work and the House and the Senate will yield to their demands.

Further, I deny that we have any authority by reason of the mandate given to us to vote other people's money for the relief of people in distress abroad.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not now. Never before in the history of our Government have we voted money under such conditions where there has been relief first given by private subscription. There are isolated situations which might have arisen, like that at Messina, where there was no time to grant relief through private appeal. Even during the war period, when the farmers of North Dakota were suffering because of drought, we refused to give them money for seed. Every cent of money that we voted was loaned upon the express condition that it would be returned.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not now. Here we are attempting to adopt a policy of appropriating other people's money. If people are not inclined to give money by private donation, where is the authority in Congress to take their money and give it? I now yield to the gentleman.

Mr. CHANDLER of New York. During the war period at the request of President Wilson—

Mr. STAFFORD. Oh, that was under war conditions. It was to help distressed peoples as an aid in our war purposes.

Mr. CHANDLER of New York. Let me ask the question, at least.

Mr. STAFFORD. I decline to yield further. Under war conditions, when there was no opportunity for private relief. During that same war period, before we got into the war, the Rockefeller Foundation asked us for a contribution of \$500,000,000, to be matched by an equal amount by them, to relieve the distress and famine in Poland occasioned by the German drive. Yet the chairman of the Committee on Appropriations and the members of that committee declined to grant any governmental aid, as it was beyond proper governmental function. Can not Members here see that once we launch on a policy of rendering aid to those in foreign countries who are in distress there will be no stop whatsoever? You will not be able to discriminate. No one will be able to stop the demands and we will be obliged to vote money as called for. It is a dangerous precedent that we are setting, and the rule of precedent here is so strong that once it is established there will be no end to it.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Will the gentleman explain how much will be necessary if we adopt a like course of relief for all of this famine in the world, to feed the famished people who have not necessary seed in other places in the world besides Russia?

Mr. CHANDLER of New York. Did not we send 5,000,000 barrels of flour through Julius Barnes to Europe—

Mr. STAFFORD. That was during the war.

Mr. CHANDLER of New York. And did not we send \$2,000,000 to the earthquake sufferers at Messina.

Mr. STAFFORD. I decline to yield further. That was at a time when there was no time to raise money by private subscriptions. This is entirely different, because nothing has been shown in the hearings to the effect that the people of America are not willing to grant still more if they are asked. Once you grant this appropriation, twice the amount originally asked, the drive for private funds will be unavailing. There is going to be suffering in this country during the coming winter. Are we to deny relief at home and vote the people's money to the relief of those who are suffering abroad because of the bad government of their own making?

Mr. TEMPLE. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, it might appear from the fact that a Member on our side of the House controls the time in opposition to this bill that we are opposed to it. Such, however, is not the case. When this bill came before the Committee on Foreign Affairs every member of that committee favored the passage of the bill with the exception of the gentleman from Texas [Mr. CONNALLY], who controls the time, so that the bill comes from the committee almost by a unanimous vote. We are appropriating this money, it is true, but this fund is payable, if you will notice, from the United States Grain Corporation fund. We voted \$100,000,000 some year or two ago—

Mr. SABATH. One billion dollars.

Mr. LINTHICUM. True, \$1,000,000,000 to the United States Grain Corporation.

Mr. MacGREGOR. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. MacGREGOR. What is in my mind is the constitutionality of our action. Have we any right to appropriate the money of the people of the United States for foreign purposes?

Mr. LINTHICUM. Well, if the gentleman raises that question, he might raise it in respect to a great many matters which come before this House on many of the appropriations which we make. We have long since passed the point where we merely appropriate for the expenses of the Government. We have appropriated on many occasions for other than the expenses of the Government. It could well come under the general welfare clause and well be held constitutional.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. LINTHICUM. I have only five minutes. Out of that investment in the United States Grain Corporation which was appropriated, \$65,000,000 have remained as profits of the enterprise, and this \$20,000,000 will be paid out of that \$65,000,000. The people of Russia are starving. Sickness and pestilence invaded the lower Volga Valley. Shall we with our great abundance refuse them help? I do not look upon it from any mercenary standpoint, but the fact remains that the Russians held back the Germans when the war was at its height, and they



lost 4,000,000 in dead and 10,000,000 wounded. The mere fact that they are starving and we can help them ought to be sufficient to command every vote in the House of Representatives. I do not believe that Providence has given to this great country of ours all the wealth and prosperity which it has enjoyed in years past so as to enable us to pile up millions upon millions in wealth for nothing more than our own use and for war purposes and purposes of enjoyment. I believe that we are somewhat to act as trustees to help the balance of the world wherever starvation and pestilence prevail, wherever misery and want stalk the earth, and wherever we can do so without injury to ourselves. Twenty million dollars might seem a very large sum, but when you distribute it among those people of this section of Russia, when you buy them seed corn and seed wheat that they may help themselves, the \$20,000,000 will soon be exhausted. I wish to say as a member of the Foreign Affairs Committee that I voice the sentiment and vote of every Democrat on that committee, and all helped in the favorable report of this bill by the committee with the one exception I have named.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. LINTHICUM. I want to yield first to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. I simply wish to say that I have the greatest sympathy for people who are suffering everywhere, but I experience the same difficulty as indicated by the interrogatory of the gentleman awhile ago, and that is a misgiving as to whether we have any power to enact this legislation. If the power exists, it must be found in the Constitution, affirmatively expressed. Now, obviously the gentleman can not find the power anywhere unless in the common defense and general welfare clause, if it can be found at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield the gentleman three additional minutes.

Mr. LINTHICUM. I hope the gentleman will not make a constitutional speech in my time.

Mr. MOORE of Virginia. But the common defense and general welfare provision is confined to the defense and welfare of the United States and does not entitle us to appropriate money for the benefit of the people of foreign nations. That is the very point made by Storey in a quotation from Storey used by Judge Charles E. Hughes in a case argued by the latter not long ago in the Supreme Court. How is the gentleman going to justify this measure as a valid exercise of power?

Mr. LINTHICUM. I think if the gentleman will refer to the general welfare clause he will find it can very well come under that. It is for the general welfare of this country that we help the starving people of Russia. I think with the friendliness those people have always shown toward America we are acting right at this time and need not hesitate for constitutional conjectures or otherwise from acting.

Mr. LAYTON. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. LAYTON. What I would like to understand, and there seems to be a great deal of discrepancy in the statements made, is if this \$20,000,000 is largely going to be used for seed wheat and other seed purposes, what is to keep these people from starving to death before they could plant it and reap it?

Mr. COCKRAN. Only part is for immediate relief.

Mr. LINTHICUM. I want to say to the gentleman from Delaware that originally the bill was for ten million. That is for seed wheat and corn for the Russians, and that is in accordance with the President's suggestion, but the committee thought the amount insufficient and increased the sum to \$20,000,000 to carry wheat and corn for food and seed purposes and condensed milk to help them at this time. This will enable the relief committee to relieve distress and starvation now and provide seed for next season so they may help themselves.

Mr. LAYTON. And immediate relief?

Mr. LINTHICUM. Immediate relief will thus be provided through the relief committee.

Mr. COOPER of Wisconsin. The gentleman from Virginia [Mr. MOORE] seemed to indicate by his question that under the general-welfare clause expenditures from the Public Treasury must be in the United States. Now, suppose—

The CHAIRMAN. The time of the gentleman from Maryland [Mr. LINTHICUM] has expired.

Mr. CONNALLY of Texas. I yield to the gentleman two minutes more.

Mr. LINTHICUM. I wish the gentleman from Wisconsin would make his question very short.

Mr. COOPER of Wisconsin. Does not the gentleman from Maryland think if there were cholera or smallpox or famine

across our boundary line in Mexico, right next to our southern States, that it would be a legitimate expenditure of the public funds under the welfare clause of the Constitution to send to the Mexican Government money to assist in doing away with that pestilence just across that imaginary boundary?

Mr. LINTHICUM. I want to say to the gentleman from Wisconsin [Mr. COOPER] and also to the gentleman from Virginia [Mr. MOORE], that we have already appropriated money to be used in Mexico to stop the boll weevil in that country and prevent it from coming into the United States.

Mr. ROGERS. And we also contributed liberally at the time of the Messina earthquake in the island of Sicily.

Mr. LINTHICUM. There are many precedents. I do not want to take up much time, but I do hope you will pass this bill in the spirit in which it is intended. It ought to pass this House by unanimous vote. We ought to do it in the right way, so that the people over there may see that we, who have always enjoyed the friendship of the Russian people, are in favor of helping them and are unanimous and do it wholeheartedly. [Applause.]

The poet has truthfully said:

That which I had I lost.  
That which I spent is gone.  
That which I gave I have.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. CONNALLY of Texas. I yield to the gentleman from Colorado [Mr. VAILE] such time as he may require, even if it should exceed five minutes.

Mr. VAILE. Mr. Chairman, the President of the United States has very nobly expressed the sympathy of the whole American people with the unfortunate people of Russia, and it is a hard task, indeed, within 10 days of Christmas, to get up here and protest against the relief being given in the way in which the head of the American Nation has asked that it be given.

I want to say, in the first place, that my opposition to this measure is not founded upon my sincere conviction that the Russian misfortune is largely the fault of the most cruel, stupid, and execrable government the world has ever seen. That patriotic statesman and wise counselor of his fellow citizens, the Hon. Elihu Root, in his admirable lecture on "The task assumed or inherited by the governing body in a democracy," says, "If government be bad, ruin comes to all. If it be good, success comes according to capacity and courage. The fairest and most fertile parts of the earth have for centuries been wilderness and desolation because of bad government. Not only lands capable of supporting multitudes in comfort and prosperity, but lands which have actually done so in the past are to-day filled with vice and squalor, with ignorance and poverty, because of bad government, while under good government comfort and industry flourish on the most sterile soil and under the most rigorous climate." Russia has had famines before, but she has had a sufficiently stable and effective government, even under the Czar, to survive them. This famine is not primarily the act of God. It is primarily the act of His enemies in inflicting upon the unhappy people of Russia the very worst government in human history.

Nevertheless, if it is right for us to appropriate this money, I do not think these considerations should withhold it. A people with more of the innate qualities which make a self-governing nation would probably have found a way to rid their 150,000,000 of the tyranny of 600,000 communists, but I am not urging that as a ground for refusing this appropriation. Indeed, for such relief as we can properly extend, the weakness and inexperience of these people is a reason in its favor and not a reason against it.

Nor do I oppose this appropriation because I believe it will be additional ammunition for the cause of bolshevism, though that is my firm belief. The other day there appeared before our Committee on Immigration and Naturalization a gentleman who has just returned from a trip to Russia, where he interviewed many people, including a number of officials of the soviet government. He left Riga just at the time when a very distinguished legislative officer of this Government was leaving Russia after an extended visit there. He said that the people of Russia were convinced that this Member of the National Legislature of the United States was a communist; that the communist parties of America, while perhaps not a majority, were powerful enough to materially influence American public opinion and American governmental action; that this visit was a proof of such influence; and that if confirmation were needed it was amply furnished by the arrival of the Hoover American relief just about the time of the departure of this American legislator. No amount of argument, said our witness, would

convince these Russians that the communist parties in America were not behind this action. It was perfectly evident that they were influential enough to compel the United States to assist their bolshevist brethren in Russia, and evident also that the cause of communism was spreading throughout the world, and particularly in the United States. Of course, in the mouths of bolshevist propagandists, this appropriation will be further and conclusive proof to the same effect.

But while I want my colleagues to know this, it is not my reason for refusing to support this bill. I readily concede that we should not refuse to do an act which it is right for us to do merely because our motives will almost certainly be misconstrued, even if that misconception is done purposely and with the intent of injuring us.

My reason is an entirely different one and is directed solely against the form of this relief. I would be glad to see \$20,000,000 or a much larger sum raised by private charity for this purpose, and I will contribute to such a fund to the full extent of my ability. But this bill proposes to appropriate public moneys for this purpose.

The public moneys of the United States are raised by taxation. Taxation is a compulsory process. Your property can be sold at forced sale without your consent if necessary to pay your taxes. In the last analysis it means simply this, that the property of a citizen of the United States could be sold to send assistance to people of another country. Whether this is constitutional or not—and personally I do not believe that it is—I do not think we ought to do it. I hope that the response of the American people will be overwhelmingly generous toward this most deserving charity, but I believe that response should be a voluntary and not a compulsory response.

The case appeals most piteously for voluntary relief, and that appeal is all the stronger because of the long-standing friendship between the two peoples, a friendship most effectively manifested by Russia at the time of our Civil War; but, as was most appropriately said on this floor a few minutes ago by the gentleman from Maryland [Mr. LINTHICUM], the United States is a trustee. Now, the obligations of a trustee are very strict. You can give away your own property, but a trustee can not give away the property of his beneficiary. I am very sure that no man in this House would object to paying his share of the amount carried in this bill, but the man who does object would be entirely within his rights. His property is subject to taxation and to sale for taxes on the theory that it is liable, to any extent that may be required, for the support of the United States, not on the theory that it is liable for the support of other peoples, no matter how strong the appeal which they make to our hearts. Foreign charity is the field for free money and not for tax money. The most deserving foreign charity is not the proper field for relief by taxation of American citizens. The Society of Friends and other splendid organizations which are doing so much for the assistance of those poor people in that unhappy land are entitled to the most generous response from the people of the United States.

Mr. CHANDLER of New York. Will the gentleman yield for a question?

Mr. VAILE. I will.

Mr. CHANDLER of New York. Does he not know that when Mr. Hoover raised \$30,000,000 for charitable purposes, it took some four or five months, and if we depended on private charity for the purpose of sending aid to Russia it would not do any good?

Mr. VAILE. That may be true, and if you cut off every objection you can probably find a great many instances where it would seem we could not extend relief at all unless it were done by appropriation of public funds. It does not seem to me that this justifies such an appropriation. There may be cases where it would, but I certainly do not think that this is one of those cases. It is raised by taxes and involuntary process.

Mr. SIEGEL. Does not the gentleman remember that in 1907, at the request of President Roosevelt, we appropriated \$500,000 for the earthquake sufferers in Italy, and later on we appropriated additional money for that purpose?

Mr. VAILE. There may have been special reasons in those cases, but the fact that there have been precedents for devoting public funds raised by taxation to the relief of foreign peoples is not, to my mind, an argument for doing it again.

Mr. SIEGEL. Is not that the history of the country from the time of its formation to the present time?

Mr. VAILE. I do not think it is. I think it has been occasionally refused.

Mr. SIEGEL. I do not know of any time when it has been asked by the President that it has been refused by Congress. A few years ago I looked up the precedents. I thought the

report of the Committee on Foreign Affairs might have them, but I see that they have not.

Mr. VAILE. There may be those cases, and while I would willingly contribute my share, this is not a case for a compulsory levy against the people of the United States.

Mr. SIEGEL. Has the gentleman or anybody else received in opposition to this resolution a single letter or telegram, or has he noted a single editorial opposition?

Mr. VAILE. My dear sir, let me say this, that in a matter in which I feel that I am a trustee, I would not change my vote if my entire district opposed me.

Mr. SIEGEL. I want to say that I was not questioning the gentleman's views.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman from Texas [Mr. BUCHANAN] such time as he may require.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the committee, the Republican platform has recommended to Congress to enact legislation to stamp out the stain of the lynching evil upon our civilization. The President of the United States in his message recommended that Congress enact legislation to that effect. The Committee on the Judiciary of this House, by a majority vote, brought in a bill known as the Dyer bill, recommending its passage and claiming that it is constitutional. The Attorney General of the United States has given to the chairman of the Committee on the Judiciary an unofficial opinion, in which he held that all the bill was constitutional.

That involves a serious question, and one to which I have devoted a great deal of time in investigating the decisions of the Supreme Court of the United States; and in order to give the individual Members of this House, who took an oath to maintain and support the Constitution against all enemies, both foreign and domestic, a chance to determine the exercise of that duty in accord with the integrity of their oaths and the integrity of the Constitution, I have determined to make these remarks prior to the actual consideration of the bill, so that they, together with the compilation and extracts of the decisions of the Supreme Court on this question, may be put in the RECORD, that all who desire may have the opportunity to quickly inform themselves and determine whether or not they will maintain the integrity of their oaths, the integrity of the Constitution, the integrity of the relations that our Federal and State Governments under the Constitution bear to each other, and that both bear to the people, or whether they will depart from the path of duty, prostrate themselves upon the shrine of political expediency, and sacrifice the best interests of our country to a political god.

Mr. Chairman, the crimes of the rape fiend, followed by the lynching outrages, so shocking to the world and disgraceful to our civilization, stir us to the depths. They demand our most profound condemnation. No one questions their atrocious character. We are unanimous that they should be penalized in the most drastic way. No appropriate means should be overlooked or withheld to curb their insatiate spirit of rape and murder. Every conservative remedy should be applied to purge us from their black stain of dishonor and cruelty. If the American people are to enjoy the chivalrous and intrepid glory of the mightiest and best Government of history, these fiendish activities and harrowing ordeals must cease. Our seeming madness and savagery, incident to the wild cry of the victim of the rape devil, must be corrected for our own relief and for our own vindication. But, Mr. Chairman, we must proceed by conservative and orderly paths and in the constitutional way, for no calamity can befall us so destructive of our cherished ideals and so fraught with inhumanity and dreadful sacrifice as indifference to the truths embodied and enunciated by our great charter of American freedom.

The Negro race that should know the value of real education and should be conscious of its own deficiencies should also know that no other race has had thrust upon it such chances to redeem itself from the unfortunate fate of a savage and degraded origin. True it is that the overload of our incomparable civilization was suddenly imposed upon the abnormal and the inexperienced. Of course the burden was heavy, its light blinding, and its trials were bewildering. God's pity that the delusions of partisan power should have driven the poor untutored and helpless freedman into the shambles of a conscienceless and unscrupulous slaughterhouse of political pillage. His notions of the education he needed readily impressed the simple dreamer



with the visionary prospect of political power, and he irresistibly gravitated to a goal of equality, social and political, which was and is the frenzied passion of his life. Thus was his unsophisticated dream inflamed by the trickery of the partisan into the absurd policy of equality. If ever his benighted vision can realize that dependable usefulness and reliable character make the only irresistible force that forges to the front over every obstacle, one step to a better day may justify the possibility of a more promising future.

When sound becomes sense and his vocabulary means more than the pronunciation of high-sounding words and phrases, when love of the spectacular and the affectations of dignity give way to a sense of responsibility and abiding concern for substantial reality, when his appreciation of the relative values of life can calculate for permanence and high standards, his course will attract and command the confidence and trust of substantial men—that element of mankind which must cooperate and without which he is doomed to remain in darkness and perpetual inferiority.

#### LYNCHING CONDITIONS EXCITE THE LYNCHING.

But, Mr. Chairman, while emphatic denunciations are due the lyncher and the lynching, we must remember that the hellish outrage that fires the spirit of retaliation is the most damnable known to the imagination, and that not one spot of earth can be located where the infuriated multitude will not override every barrier to avenge the pitiless horror, and that while to a degree the racial prejudice may account for the diabolical motive, it must be conceded that the race most addicted to the tragic infamy has long enjoyed its distinction as the most favored race protégé ever coddled and petted by the sentimental sacrifice of an indulgent people.

#### INDEPENDENT WILL AND ACTION ESSENTIAL TO BETTERMENT.

The hope of an individual, or of a race, must rest for promotion on its own independent spirit and on its own intrepid effort. No man, nor set of men, has ever achieved success except by the independent resolution and activity of self-control and self-centered enterprise and determination.

#### NATURE LIMITS AND CONFIRMS THE CONSTITUTION.

And no sagacious attempt will try to efface the lines of demarcation or to tear down the standards set by the hand of God to indicate and maintain His limitations of racial integrity.

The most cursory glance can see that natural law is beyond the repeal of any human power. No one has ever beheld a vulture and an eagle in close companionship or in the mutual exchanges of a common feeding ground. The hooting owl has never blended its sepulchral call with the mounting song of the nightingale. The leopard's spots still bask in the depths of the jungle, and the skin of the Ethiopian is unchanged within the ages of man. The lion and the lamb have not yet realized the millennial prospectus. Then, why should anyone indulge the hope, much less the attempt, to countermand or controvert the eternal decrees by an effort to obliterate the racial distinction fixed by creation, or contradict by any human law the fixed antagonism established by God Himself.

#### THE CONSTITUTION NOT IN CONFLICT WITH NATURE.

The Constitution of the United States interdicts nor violates any of the plain mandates of nature and common sense. We must understand that these limitations are definite and inexorable.

The decrees of infinite wisdom from on high were chiseled into man by the Hand Divine and give to human nature its unerring instincts of self-direction, self-preservation, and self-control. These principles of natural endowment, so determined by God Himself constitute the everlasting foundation for the best constructive powers of man. Under such an inspiration and by such handiwork, the joint creation of God and man, the Constitution of the United States of America fully justifies the well-known eulogy of Gladstone—who declared that—

the Constitution of the United States is the greatest piece of constructive work ever struck off by the hand of man in a given time.

Within this age of irrepressible conflict the remedy can only approximate relief; we can only mitigate the conditions by the graces of a better spirit, inculcated by conservative statesmanship and the reasonable exercise of responsible power.

That kind of conservative spirit is not in this Dyer bill nor in the entire record of peremptory measures thus far before us. All of them are dogmatic; and any one of them, if passed by Congress and enacted into law, is certain to intensify and aggravate the atrocious evils they attack. The stain of the lynch license can not be removed by what will give it a denser hue. The stench of political miasma can not be dissipated by the breath of the odors exhaled from the rottenness of party bias and sectional hate.

Mr. Chairman, let us not be deluded by the bluster of heroic words or the attitude of intemperate passion. They can never serve the master builders of the temple of human welfare. The infirmities of human nature have ever walked in the procession of human affairs; and whoever dreams of the day of deliverance from human frailty is doomed to disappointment and utter defeat.

But there is a "balm in Gilead" which, if it can be applied, will go as far as human agency can go to put our people and our country "in the ways of pleasantness and the paths of peace." If the criminal element of our country will cease committing the diabolical crimes for which they are lynched, the lynching will cease forever. \* \* \*

But the world knows no saner, safer, nor more efficient treatment for our deep-rooted political woes than has been given by the Constitution and as interpreted by the Supreme Court. Its great judicial decisions are ample in number and character; and they determine beyond controversy the limitations of Federal power in dealing with what specifically belongs to the prerogatives of the State, as provided in the Constitution. The Constitution is supreme and universal in the scope of its pervading power. It is binding in its specified and inexorable reservations to the States and it is equally binding as to the delegated powers of the Federal Government. It is binding in what is granted and what is not granted. It is binding to destroy, to nullify, all that might be done or assumed by the General Government outside of its powers, as well as to invalidate any State action within this exclusive domain.

If we study our Government, we find that the entire system, Federal and State, was the voluntary act of the free and independent States. The Federal Government was established by the States, which cooperated for that purpose, each for itself and mutually for each other, that they might commit to a general agency, in trust for them, what could better be done for them than could be done by them, acting in a popular mass, or individually and separately. That was what the States intended to do and what they did. It was from the first a combination entered into for the express purposes of the revolutionary war. By their free and voluntary action they combined and won their independence. When that was done they, by their uncompromised and untrammelled original right, dissolved the confederated war union.

The Articles of Confederation by experience were found to be inadequate for the greater and more comprehensive cooperation required. A more important agency was needed in their domestic economics and in the natural relations to be maintained with each other and with foreign peoples. And, therefore, they exercised the right, never surrendered, and voluntarily disintegrated from their tentative, make-shift association. This was done to effect a more adequate economic arrangement for their mutual and reciprocal benefit. There were interests common to all that could better be prosecuted under the great general agency of a more perfect union. And so it was that the more perfect union was formed and under its Constitution adopted by each State separately. The United States entered its career for mutual and reciprocal advantage. But independence and self-control, never surrendered by word or act of the States, was a supreme and ideal principle, fostered and cherished; an immortal soul within the entity of each one of the cooperating State sovereignties. A premeditated, absolute sovereignty, begotten and conceived in the ideal spirit and experience of "give me liberty or give me death."

We find in the great decisions of the Supreme Court that the fundamentals of constitutional safeguard to the States are as explicitly stated as language can assert and as indisputable in interpretation as the greatest masters of law and logic can formulate.

These decisions of the great court constitute our governmental safeguard, and we must bow implicitly to them or be dashed to pieces on the rocks and reefs of an irresponsible socialism and the destructive ravages of a lawless anarchy.

Beginning with the Slaughterhouse case, in which Judge Washington most minutely elaborated that great judgment, we were treated to a deliverance which was then like a star of the first magnitude in the clouded skies of constitutional liberty.

Mr. Chairman, the creation of the Government of the United States was the most logical evolution in the history of constructive statesmanship. The thirteen original Colonies, existing by charter right from the King of England, were separate and independent Provinces, though subject to the Crown. Under the sting of intolerable oppression they rebelled against the mother country and combined to throw off its yoke, signing to that effect the great Declaration of Independence on July 4, 1776. Under definite Articles of Confederation they united in their tentative government to maintain their great declaration.

The struggle that ensued called for the leadership of Gen. George Washington, and after seven years of memorable conflict victory perched upon the banners of the heroic confederation, named even at that incipient stage "the United States of America." The grant by England of the independence they had won was the specific recognition that each one of the revolting Colonies was recognized an independent and sovereign nation.

Turning from war to peaceful avocations, the inefficient organization of the Confederate Union under the impetus and the necessity of a better and stronger government agreed and arranged among themselves for the consummation of "a more perfect union." For that purpose they met as a Constitutional Convention in Philadelphia in the month of May, 1787. And with the immortal Washington presiding, "the first in peace," as he had been "the first in war," the most significant body of statesmen that ever deliberated in the interest of human welfare proceeded to their task of constructing our organic law.

The remarkable personnel of that body justifies the exclamation, "There were giants in those days." No greater characters known in the administration of affairs have ever given such strength and ability to so righteous and beneficent a cause as were consecrated to the service of formulating the articles and principles of the peerless document which was to shape the destiny of this mighty Republic. It would be invidious to call the roll; but the strength of early manhood and the wisdom of advanced age were blended in the dependable prosecution of the unequalled responsibility.

The youngest of the delegates, John Francis Mercer, of Virginia, was 28. Alexander Hamilton, at 30, has been accredited with the most powerful direct argument of the convention. James Madison, at 36, was an engine of commanding energy, with singular faculties of detail. Gen. Washington was 55, and Franklin was 81. It is to be observed that the men who framed the Constitution were in the prime of manhood and the maturity of age.

Their conclusions were convincing then; and they have not molded with time. Long since consigned to honored graves, their fame is ever fresh; and if they were alive to-day we could not cite their superiors among the statesmen of the times. It will be to our credit to respect and venerate the legacy of constitutional law bequeathed to us by "the Fathers"; and we should be ready to resist by every appropriate means in our power any encroachment that invalidates these fundamental safeguards of civil and religious liberty, written for us by their consummate foresight and almost divine wisdom.

#### INDIVIDUAL LIBERTY AND RESPONSIBILITY OF DIVINE ORIGIN.

Mr. Chairman, in the deliberations of this constitution-making body of patriotic counselors it is safe to assume that the ideals of personal liberty, individual responsibility, and self-restraint were prime considerations. Hailing from Mount Sinai it was embodied in the decalogue. It was written on the tables of stone, and it was taught by the mosaic law.

The reiterated "thou" and "thee" of the God-given Ten Commandments were obviously not intended to be collective or in the plural number.

#### MORAL AND SOCIAL LAW.

"The moral law," the first four commandments are so designated, was meant to be, as addressed, to the individual. The first one, an explicit command, "Thou shalt have no other gods before me," is evidently intended for the person. The second one, "Thou shalt not make unto thee any graven image," and so forth, was also intended for one at a time. And the personal unit is legislated for by the last six of the commandments, which make by common acceptance "the social law." The first of the six, "Honor thy father and thy mother," and so forth, is clearly a personal admonition for the son or the daughter. It can have no exclusive personal import, nor does any of the ten refer collectively to the community.

#### PERSONAL ACCOUNTABILITY NOT THE SOLE IDEA.

It was not a thought, Mr. Chairman, of the convention to specialize for the person only, and thereby eliminate the general interest and authority; not a member who did not realize that individuals make society. And the individual citizen of to-day appreciates his relationship to his community and knows of his responsibility to his fellow man. He knows he can not escape a personal nor avoid a mutual and common relationship and accountability.

#### HARD TO RECONCILE THE INDIVIDUAL AND THE SOCIAL RIGHT.

It is and has been the difficult thing with statesmen to so adjust these individual and social rights and privileges that their inevitable differences will not become dangerous and destructive to each other.

Both personal and social interests exist and are contemplated in constitutions and laws, and each of them is a factor in the authority and operation of all law.

Analogous to heat and cold in nature, and to good and bad in ethics, as in all subjects of the continuity kind, it is a problem to define and locate the points of contrast and change. In human affairs human infirmity prevails, and the violence of conflict is inevitable, though conservative restraint has often been exercised to avoid the extremes of factional madness.

These contradictory elements in human kind were in mind by our Constitution makers to be arranged for the constructive instrument which was to guide a great and growing people through unprecedented trials, and were at times to strain every bolt and timber of our storm-driven ship of state.

In the preservation of the liberties which the Constitution was to guarantee, the most important was the fundamental of personal accountability. It would clearly be a departure from the governmental doctrine and practice of the past not to stress the individual as the sovereign. On the other hand, it was plain that the ideal of personal liberty was a factor of essential and primal importance, for personal responsibility is the main element in popular government. The day had come and the edict had been pronounced and the challenge had been proclaimed to the autocratic world, thus far and no farther. Henceforth "we, the people," will assume our own direction and take charge of our own affairs.

But the task was a trying one, for the intricate legal questions to be settled, and the various ambitions to be considered, and the conflicting opinions and controversies to be satisfied, and many other incidental perplexities to be met, engaged the surpassing ability of the convention, and held it in the grip of patriotic passion. In the forefront was the problematic task of reconciling in government the apparently unavoidable conflict between the two opposing fundamentals of individual and social privilege and right. It was Anglo-Saxon in its origin and untried by any great people. No such effort had engaged the Republics of the Old World. They had exploited the State regardless of the personal subject. They considered no individual as clothed with any right independent of the State to oppose the State by military power.

#### AN ANGLO-SAXON IDEAL.

The Anglo-Saxon began at an early day to think out the ideas so forcefully expressed in our Declaration of Independence. More thoroughly than ever before the inalienable rights of the individual were unfolded and asserted in that consummate proclamation, which looks to the personal equation as the first and principal concern of government. The right to enjoy life, liberty, and the pursuit of happiness as an inherent right and not by governmental patronage was the dominant demand for the individual.

#### MAGNA CHARTA.

The barons of England demanded a limitation of the prerogatives and powers of the Crown, but not a grant of right for the person. They asserted inherent right and demanded their individual freedom, and that their personal rights should be respected. The charter was made to pledge:

No freeman shall be taken or imprisoned or be disseized of his freehold, or his liberties, or his free customs, or be outlawed or exiled, or otherwise destroyed except by the lawful judgment of his peers or by the law of the land.

The great charter was confirmed over and over by other broad concessions: By the Petition of Rights, by the habeas corpus act, by the Bill of Rights, by the Massachusetts body of Liberties, by the Virginia Bill of Rights, and finally by the immortal Declaration of 1776.

In all the developments of that liberty loving day the same dominant demand for the inalienable and inherent right of personal manhood was asserted under government, but, if necessary, in spite of government, and it was insisted upon in the name of life and liberty and property.

#### THE CONVENTION SETTING.

Mr. Chairman, the staging of the Constitutional Convention was extraordinary and impressive. Its personnel was exceptionally distinguished. The presiding officer, commanding in appearance and unexcelled in fame, was without a rival. He had been tested by all of the experiences of leadership, and his prestige invested him with the personality of a born ruler.

The 55 members, representing 12 States, were men of eminent ability and character.

#### CONSTITUENT CHARACTER.

Without exception the body was composed of clear-headed and substantial men; and many of them were noted for ability and high courage. Each State except Rhode Island was represented, making 12 States whose delegates constituted the great convention. Many immortal names graced the assembly, and no such array of character and strength had met together on an occasion so momentous to the devoted patriots of the New World. Many of them had passed through the baptismal fires



of revolutionary war and were primed to secure what they had risked everything to attain. But there were differences. Some hoped to signalize themselves and their respective States. Others who were inspired by the pioneer spirit were committed to the prospect of the more perfect union, which was the animating impulse of the assembly. But the purest and truest patriotism was the ruling passion, and the doubts and misgivings and adversities of centuries of failure gave the nerve and caution essential to the success which was the crown of rejoicing sure to adorn the brow of consecration and unfading immortality. But, dedicated and pledged as they were to the holiest aim that ever vocalized human thought and energy, the convention was not to sail before auspicious breezes and over untroubled waters.

#### A NEW CONSTITUTION.

The convention at once proceeded to form a new Constitution instead of attempting to reconstruct the old one. This brought to the front immediately its most scholarly and capable leaders, and the original idea and mature thought of the profoundest statesmen of the times were intently and intensely centered in the construction of what was to prove to be the masterful instrument of organic law of all recorded time.

Sweeping aside all personal interests and irrelevant and impertinent and immaterial matters, the most important subjects soon engrossed the earnest and determined attention.

The small States' contention was taken up and finally resulted in the establishment of popular representation based on population in a House of Representatives. The statehood idea, contemplating the abstract principle of the State per se, was to be set forth by the Senate. Each of them were to have separate but reciprocal duties, and each to be recognized by its separate legislative organism, and technically known as the House of Representatives and the Senate. Together they constituted, with full and exclusive legislative power, the Congress of the United States of America.

#### GOVERNMENT ORGANIZATION.

Mr. Chairman, with the Government machinery thoroughly understood, these astute students and makers of the Constitution faced the question of the principles of government. They had builded well their threefold structure of executive, legislative, and judicial powers.

The executive, the President, administrative head and advisor and censor, and the legislative branches, the House and Senate, were exhaustively considered and duly ordered. They were to be creatures of the people, representative of their authority and amenable and directly responsible to their sovereign will. But the necessity and demand for an arbiter, invested with power to determine the constitutional integrity of any measure or act affecting the interests of the people, was provided by the plan and equipment of the Supreme Court. This great tribunal was to be made up of its judges and subsidiaries, was to be constructed by the mutual and cooperative work of the appointive executive power and confirmed by the Senate of the legislative branch, and it was to be charged with the exalted duties of guide and guardian for the Constitution. As thus organized the poise of the governmental machine has held its equilibrium for more than a century.

So far the three branches of our democratic Government have cooperated with admirable success, and popular government has so completely vindicated America from the taunt of predicted failure that the autocracies everywhere have deserted the palace, and the crown has become but the symbol of monarchy throughout the earth.

#### GOVERNMENT SPIRIT AND DOCTRINE.

Of course, Mr. Chairman, the splendid edifice must rest upon its foundation, ample and strong. The temple must stand or fall by the doctrines taught within its walls. Every residence has an occupant and every occupant a soul.

No government exists without its creed, and the principles by which it exists make its political plan of salvation. So that when the United States was to function, the pages of history, taught by the successes and failures of every governmental experiment of the past, were an open book.

These experiences were the guides, pro and con, for the most stupendous undertaking of history. The rise and fall of human effort in government, detailed and summed up, was law and gospel to the scholarly delegates. They knew that all the fantastic theories of the purely popular had gone to the wall, and that socialism, under many an adventurous title and reckless impulse, had proved the impracticable character of every purely popular government for a miscellaneous people.

They knew that socialism was worn out long ages ago and that wherever practically operated in a considerable way it had resulted in disorder and halted civilization and progress.

#### REPRESENTATIVE DEMOCRACY.

The representative principle, fostered by the English people in the "Mother of Parliaments" and now known everywhere, was the standard taught and incorporated in our Constitution. It was practically new and not appreciated as an element of substantial strength, a quality unknown in the history of preceding peoples, who had failed in all attempts to govern by the direct will of the citizens in mass.

Mr. Chairman, by organizing the executive, the legislative, and the judicial entirely apart but mutual and cooperative, and by establishing a representative system and making a Supreme Court, invested with extraordinary powers, the 55 makers of the Constitution made democracy powerful and safe and barred it from becoming autocratic and freed it from the impulses of destruction. To avoid the danger of sudden and momentary impulses they arranged for any change proposed, of a radical kind, to be subject to deliberate and mature reflection by a premeditated "laws delay." With time, passion cools and conservative thought will control the reckless and fiery spirit of men.

And time has proved these apostles of construction to have been endowed with rare powers of foresight and practical sense. For the Constitution has more than satisfied its friends and it has utterly dumbfounded its carping critics. Under it our mighty Republic has grown and prospered until it is the leading Nation of the world.

The Constitution with its provisions insisting on individual rights and local self-government, with manifestly necessary and appropriate limitations, led irresistibly to the question of how to apply the specifics of the great system to secure and perpetuate the benefits of the inspired prescription.

Logically and with wonderful prevision, the master minds had divined the essentials and had skillfully formulated the eternal doctrines and decrees for American liberty. Now, the ways and means of putting into successful practice the theories and principles enunciated was the all-absorbing problem confronting them. How the personal-liberty principle, how the local-interest principle, how the positive essentials and fundamental doctrines could be imbued into the spiritual thought of the people and made habitual in their daily lives was the Herculean proposition. And to the consummation of that statesman's holy dream, all the infinite intellectual capacity of that splendid council chamber was addressed and concentrated.

We of this exceptional day, peculiar in its strides of advancement, peculiar in its miraculous accomplishments in science and art, strange in its backward and downward impulses—we, I say, Mr. Chairman, must stand with uncompromising front and determination to stay the unhappy retrogression which so disturbs the prospect of our incomparable country.

After the insatiate principles of individual rights and representative democracy had been considered and satisfied, the Federal expedient—the organic association of the States—became the momentous topic of the convention. This federation ideal had also, with that of representative democracy, impressed the Anglo-Saxon thought, and had been experimentally and imperfectly advanced to negligible importance by the English people.

But the proposition as perfected in our Constitution was unknown and unique until incorporated in the immortal document of 1787 and 1789. All of the previous confederations were only "leagues of States," of temporary design and short lived. Ours was to be, in hope and design, the permanent instrument to create an unprecedented Republic, pregnant with indissoluble principles, and to expand into a nation of perpetual life, and vitalized with the everlasting energy of conservative power and with the enjoyment of every righteous liberty consistent with the cardinal principles of freedom and equality.

#### DUAL FORM OF UNITED STATES GOVERNMENT.

Mr. Chairman, it would entertain and instruct to trace step by step the construction of our Constitution and to review the plans and theories considered. But it is decidedly more important to understand the whys of its construction and to familiarize ourselves with the true import of its provisions.

The dual form of our Government was adopted and equipped with its checks and balances that it might surely provide and certainly secure equality in the administration of the rights demanded and guaranteed and in harmony with the ideals of unfettered life. It was planned in the interest of genuine liberty, that fundamental justice might be enthroned and administered in harmony with the self-evident truths and principles of their passionate hope and ideal doctrines.

#### UNITED STATES GOVERNMENT ESTABLISHED.

Therefore the 13 original States, proud of their independence and conscious of their untrammelled sovereign rights and



prerogatives, considered and debated and concluded how they could best secure for their own accommodation and service a safe and competent general agency. The chief concern was how to safely intrust the needed current business of the contemplated family of States and how to invest their fiduciary commission with adequate powers and limitations.

They knew the dangers of trust violation, and they knew the temptation and trend of ambitious power.

To this end and for this peculiar purpose the Federal Government was established, and its specific powers and duties were announced, enumerated, and defined. Within this limit of specific and circumscribed action the Federal duties and rights were delegated by the sovereign power of the States, and defined and limited to interests of Federal and national scope and concern. And its jurisdiction, so circumscribed and defined, is supreme within that limit, but is barred and prohibited outside of its constitutional barricade from every conflicting or interfering participation or assumption in the affairs of a sovereign State.

Within its delegated powers it is sovereign; it is sovereign and supreme; beyond its delegated limits the Federal power can exercise no constitutional function whatever, and if it assumes that right it transcends its limitations and opposes the only original pristine sovereignty known to the authority of the Constitution. Its rights and duties, assigned and imposed by the State authority, were specific and enumerated; all of them were of that character of general concern, not appropriately subject to the local State control and direction, and far more advantageously committed to an agency especially organized for the purposes of more efficient general service.

The rights delegated and the duties conferred and specified for their great constitutional trustee, and to be exclusively in its care a delegated but limited sovereignty were these:

#### POWERS OF THE UNITED STATES ARE DELEGATED.

[Quoting from the J. Z. George report.]

Looking to the whole scheme of Federal and State Governments, we find its primal fundamental principle, the key to its exposition, is that the powers possessed by the United States are delegated; that is given or granted to them by some political organism or organisms and are in no sense inherent or original. Before any of these powers were thus granted there were no powers in the United States—in fact, no United States existed. The United States as they now exist as a Government were created by the Constitution. That instrument, in the act of making, the States united under it, dissolved their union under the Articles of Confederation.

The ten amendments, adopted almost contemporaneously with the Constitution and designed to put into constitutional form a great truth then recognized by all, so as to prevent mistake or misconception in all after times, expressly declares that the powers possessed by the United States are "delegated," and all the powers "not prohibited" to the States are "reserved," not granted, not given, but "reserved" to the States, "respectively"; not to the States in a mass, or aggregated or united, but to the States, "respectively," or to the people. The powers are not even said to be "vested" in the United States when reference is made to their origin. They are only "delegated" and then they are said to be "vested" in the Government, and in its various departments as a consequence of this delegation. The powers thus "delegated" are not the great mass of the powers of Government, with exceptions in favor of the States, but they are enumerated, specified, written in the Constitution itself, and defined and limited by it.

#### THE GENERAL SCHEME OF THE CONSTITUTION.

The general scheme of the Constitution was to make us one people with one country, for all the great purposes for which it was established. (See Chief Justice Taney in *Passenger Cases* Y. How, R. 283.)

The great purposes are expressed in the Constitution itself, in the powers delegated by it to the United States. These powers are plenary and exclusive as to all that concerns the people and States in their relations with foreign powers, both in peace and in war, including the making of treaties, the receiving and sending of ambassadors, ministers, and consuls; making war and concluding peace; intercourse and commerce with them; the protection of our people in foreign countries, and outside of the jurisdiction of any State and on the high seas.

Secondly, the Federal powers extend to the regulation of relation between the States themselves and the citizens of each with the citizens of the other, and between each of the States and the United States, covering commerce among the States, compacts between two or more of them, the duty of surrendering fugitives from justice and labor, the force and effect in other States of public record and judicial proceedings of each State; "the securing to the citizens of each State the privileges and immunities of the citizens of the several States," when in the jurisdiction of any State of which they are not citizens, leaving, however, to each State to determine and define the rights and privileges of its own citizens, and securing only these same privileges so defined by a State to citizens of other States when they are within its jurisdiction.

Thirdly, the power and duty to guarantee to each State a republican form of government and to protect it from invasion, or, on application of the State, from domestic or foreign violence. These were the great purposes for which the Constitution was formed and adequate powers to attain them were granted.

All other powers delegated to the United States are either merely auxiliary to these great ends and for the support and maintenance of the common government, or they are such as can conveniently and properly be exercised only by a government common to all the States. The auxiliary powers relate to the establishment of a uniform system of bankruptcy and naturalization laws; the power to coin money, to regulate its value and the value of foreign coins in circulation here; to fix the standard of weights and measures; to grant patents and copyrights, to establish post offices and post roads; the power of taxation; to punish counterfeiting of the current coin and securities of the

United States; to punish piracies and felonies on the high seas and offenses against the law of nations; to raise and support armies, and support and maintain a navy, and certain powers over the militia.

These powers in general terms include all that were delegated to the United States. If we stop and consider them, we will see how few they are great indeed in importance, unlimited in degree, but very limited in number. If we abstract from these powers all that relate to our intercourse with foreign nations—all that concern the relations of the States with each other, in their character as States and their relation to the Union; all that relate only to the giving force, efficacy, and support to the United States in their exercise of their other powers—we will see how infinitely small in number are all the remaining powers, which concern only the rights, privileges, and conveniences of private persons—private citizens when in the jurisdiction of a State.

These powers are:

(1) The securing to the citizens of the several States the privileges and immunities granted by any State in whose jurisdiction they may be to its own citizens.

(2) Jurisdiction over bankruptcy.

(3) Jurisdiction over naturalization.

(4) Jurisdiction over the currency.

(5) The power to establish post offices and post roads.

We look in vain in any of these powers for the power to enact this bill. But along with these powers come provisions which show the soul and spirit of the Constitution, and without which the Constitution becomes either a lifeless corpse or, having energy and vitality, is an instrument only of oppression and wrong. These provisions recognized the absolute equality of the State and secure fairness and impartiality in the exercise of the powers granted by the Constitution. Thus direct taxes are required to be apportioned among the States according to their population, and all duties, imposts, and exercises are required to be uniform throughout the United States; no preference is allowed in any regulation of commerce or revenue to the ports of one State over the ports of another; the levying of a tax on any article exported from any State is also prohibited, whereby the dangerous power of taxing articles mainly produced in one State or section and not in others is denied to the Government.

And then there is a great provision in Article V, which secures absolutely and forever the equal suffrage in the Senate of each State against even an amendment to the Constitution. Under this guaranty of equality Delaware, Rhode Island, and Nevada each have the same voice in the Senate as the great State of New York.

Of course, Mr. Chairman, it could not have been an acceptable proposition with the States so recently freed from the yoke of tyranny and oppression to subject or risk their dearly bought rights and liberties to any kind of despotic control; and they well knew that any centralized power, whether in a monarch or in the people, was a condition to be feared. They had no idea of delegating *all* or *indiscriminately* the independence and freedom which was theirs by the verdict of war, and by the determination of native strength and power, and by the impulses and aspirations of a self-governing ability. Therefore the Constitution provided that:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

These especially reserved powers which relate to such consideration of personal and local interest as are essential to individual and community welfare and naturally and materially and exclusively in the State's care and any domestic or economic trouble is properly under the local authority of the State, and all violence and turbulence are remedial by the police regulations and powers of the State.

#### POWERS PROHIBITED TO THE STATE.

The scheme of the Constitution embraces not only a division of powers between the several States and the United States by delegation of certain ones specified to the latter, and a reservation of the others to the States, but it includes also the prohibition of certain powers to both. These powers, so far as they relate to persons, were deemed despotic in their nature, unjust in their operation, and contrary to the genius of free government; and hence, whilst prohibiting their exercise by the Federal Government, the States also surrendered them as a pledge of their fidelity to the great principles of republican liberty.

Three of these powers related to the lives and liberties of the persons, namely, bills of attainder, ex post facto laws, and the suspension of the great writ of habeas corpus; one of property, viz, laws impairing the obligation of contracts; and the others related only to the quality of persons in a free government, namely, the bestowing titles of nobility. These powers were refused to both. The power over contracts, however, was allowed to the Federal Government indirectly in its power over bankruptcy.

There were some other prohibitions to the State, but they were manifestly introduced for the purpose of preventing a conflict between State powers and Federal powers, which might, but for the prohibition, have been concurrent. In all these there is not a pretense for the claim of the Federal Government to intervene between a State and its citizens for the protection and security of the great fundamental rights of persons and property and the pursuit and acquisition of happiness, all these being left to the care and protection of the States, except only in the four cases of habeas corpus, bill of attainder, ex post facto laws, and laws impairing the obligation of contracts. Of all the civil rights of men and all the rights of person and property, only these above named, and no more, are entitled to Federal protection in favor of a citizen against his State, and this protection extends only to the prevention of State action in violation of them, as will be shown more fully hereafter. And not one of these rights is secured against State action; even in favor of citizens of another State, except to this extent, that citizens of other States should have from each State the like protection that it affords to its own citizens.

Mr. Chairman, this discussion and recital of the inherent and reserved powers of the States ought to satisfy the shallow thinker as well as the profoundest observer. In the view of the narrow and the morbid, when the disposition to stultify all political standards is rampant, it is exceedingly profitable to pause



and maturely reflect. We should not permit ourselves to degrade and begot the powers, duties, dignities, and importance of the States. We should not expect the United States Government to adjust all wrongs, to correct all evils, to create prosperity and arrest adversity, to hand out wealth and relieve poverty, and for such purposes to place its powers over interstate commerce and over all taxation, that one interest may prosper at the expense of another, to destroy one interest for the advancement of another, to take charge of industrial enterprises and the health affairs of the State. To command whatever relates to good order and morality in the people, to extend subsidies and bounties from the common treasury and property for private interest.

Because of such common recklessness in thought and temper, it may be well to name in detail some of the great powers which are constitutionally and exclusively reserved to the States. The following may serve to impress the significance and importance of the ideas and facts hereinbefore mentioned and referred to:

#### SOME OF THE GREAT POWERS RESERVED TO THE STATES.

In this grand jurisdiction thus reserved to or kept by the States is the entire power over all contracts; who may make contracts, and who are incapable of making them from want of mature age or of mental capacity or of freedom of will; the form in which they must be made; the evidence to establish or defeat them, their nature and obligations; the consequences of default in complying with them; and the sole remedies to enforce them amongst citizens of the same State. The sole power over marriage; who can contract it; the forms to be observed in celebrating it; the relative rights, powers, and duties of a husband and wife toward each other and in the community; the causes and manner of its dissolution, and all the relations and mutual duties and powers and rights of parent and child; and superadded is the institution of the family (the unit and basis of our civilization) with the right to acquire and hold against adverse fortune the homestead for shelter and conservation. The titles and tenures to all property of every kind; the modes and forms of its acquisition and transfer; how the right to it may be lost by neglect or acquiescence in wrong; what are injuries to it and the nature and extent of redress for such injury; by what rule it shall be enjoyed in life, and on the death of the owner how it shall descend and be distributed, and on what failure of blood it shall escheat to the States; the right to dispose of it by will, and by whom and in what forms wills must be made; whether entails or primogeniture shall be allowed, and to what extent property may be held in mortmain by corporations, and by what rights, if any, corporations created in other States or in foreign nations shall enjoy in its jurisdiction; the civil status of its people as to legitimacy of the contrary as effected by their birth, their education in youth, their civil rights, their qualification to vote and hold office, and their conduct in life, and their protection and security in life, liberty, property, and reputation; crimes against property, larceny, robbery, burglary, arson, malicious injuries and trespass, cheats, embezzlement, forgeries, and the like; crimes against the person, assaults, batteries, mayhems, murder, seduction, false imprisonment, and all others; offenses against reputation and character, slander and libel; offenses against good order and good morals and the health of the community; the great right of the free exercise of religious worship and freedom of religious belief and freedom of speech and of the press; all of these and more of like character are solely within the jurisdiction and power of the States and depend on their laws and government for preservation and protection. In short, the State authority meets the child as at its birth, attends him through infancy, manhood, and old age, and at his death, is sufficient, if wisely exerted, to secure to him all the blessings which make life desirable in this world and the opportunity of gaining for himself in his free exercise of his religious belief a blissful hereafter.

The Supreme Court of the United States not only confirms the above divisions of power between Federal and State Governments but holds that the Federal Government is supreme when acting within any of the powers specifically and expressly delegated to it under the Constitution, and that the States are equally supreme when exercising any of their reserved powers, as above defined. It needs but a few quotations from the well-considered opinions of the Supreme Court of the United States to settle beyond controversy the above statements.

#### THE SLAUGHTERHOUSE CASE (16 WALL., R. 76).

The court said in the above case:

It would be the vainest show of learning to prove by citation of authority that up to the adoption of the recent amendments (thirteenth, fourteenth, and fifteenth) no claim was set up that those rights depended on the Federal Government for their existence or protection beyond the very express limitations which the Federal Constitution imposed on the States, such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of privileges of citizens of the States, as above defined, lay within the constitutional and legislative powers of the State and without that of the Federal Government.

Again, in the case of the United States v. Cruickshank (92 U. S. Rep., 554), Chief Justice Waite, in delivering the opinion of the court, stated:

The rights of life and personal liberty are natural rights of man. To secure these rights, says the Declaration of Independence, "Governments were established among men, deriving their just powers from the consent of the governed." The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons in their jurisdiction in the enjoyment of these "inalienable rights with which they are endowed by their Creator." Sovereignty for this purpose rests alone with the States.

And the same court in the same case, on page 550; uses the following language:

The Government (of the United States), thus established and defined, is to some extent a government of the States in their political capacity. It is also for certain purposes a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers as enumerated and defined it is supreme and above the States; but beyond it has no existence.

If we hope to preserve the priceless governmental legacy transmitted to us by our fathers, we must see to it that the Federal Government and the respective State governments confine their activities strictly within the rights and powers belonging to each respectively. The Federal Government must not encroach upon the rights, powers, and prerogatives of the State government; neither must the State government exercise or attempt to exercise any of the rights and powers expressly delegated to the Federal Government, as contained in the Constitution of the United States.

Some people see what they conceive to be a great evil in society, which outrages their moral nature and contravenes their conception of right and wrong, and they immediately conclude that the Federal Government must remedy this evil. They do not stop to examine the grand scheme of our dual form of government and what powers belong to the Federal Government and what powers belong to the State government. This was illustrated during the years prior to the War between the States, when a great number of honest, though misguided, fanatics concluded that Negro slavery was the quintessence of all villainies, and finding the Constitution of the United States recognized African slavery as a legal institution, they proceeded to denounce our Constitution as a "covenant with death and a league with hell." Some claimed there was a "higher law" than the Constitution.

It is unnecessary to detail what followed during the four years of discord, of conflict, of war, havoc, and destruction that occurred during the battle tide of the sixties, as a result of not obeying in letter and spirit, in word and act the Constitution of our common country. African slavery would have disappeared before the evolutionary progress of modern thought and civilization without war or bloodshed. We of the South know no higher law than our Constitution. We are for it in letter and spirit, and recognize it as binding upon us in its every word and sentence, but we do insist that all others must be likewise bound by it. The Federal Government owes no duty to correct any evil, to create or protect any right beyond the power expressly conferred upon it. Chief Justice Waite in the Cruickshank case declared that "the duty of a Government to afford protection is limited always by the power it possesses for that purpose." No intelligent man will contend that up to the War between the States that Congress possessed any constitutional right to enact this bill. So that if said right exists it must be by reason of the provision of the reconstruction amendments to the Constitution of the United States. There are three of them. The thirteenth, which abolishes involuntary servitude. It and the eighteenth amendment are directed against individuals throughout the Union, by reason whereof Congress is vested with the constitutional power to pass direct and primary legislation to punish individual citizens in any State; but the power can not possibly be conferred under these amendments which merely abolish slavery and prohibit the liquor traffic. The fifteenth amendment provides that—

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Evidently the authority is not conferred under this amendment.

The fourteenth amendment provides:

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

The Attorney General of the United States and the majority members of the Judiciary Committee contend that they find constitutional authority under this fourteenth amendment to enact this bill. Let us analyze the bill, determine the full import of all its provisions, and apply the provisions of the fourteenth amendment and the decisions of the Supreme Court to it, and it will demonstrate beyond all reasonable doubt that it is unconstitutional, and if enacted into law the Supreme Court will so declare. The bill provides, first, that a mob or riotous assembly is composed of five or more persons acting in concert for the purpose of unlawfully depriving a person of his life as a punishment for crime.

Second. That if any State or governmental subdivision fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage such State shall, by reason thereof, be



deemed to have denied to such person "the equal protection of the laws" of the State.

Third. That any State or municipal officer charged with the duty and authority of such officer to protect the life of any person that may be put to death by the mob, or who has such person in his charge as a prisoner, who fails, neglects, or refuses to make all reasonable effort to prevent such person from being put to death, shall be guilty of a felony.

Fourth. Any State or municipal officer, charged with the duty of apprehending or prosecuting any person participating in such mob, who fails, neglects, or refuses to make all reasonable effort to apprehend and prosecute to final judgment under the laws of such State, shall be guilty of a felony, and so forth.

Fifth. Any person who participates in a mob, who takes from the possession of any State or municipal officer any prisoner held by such officer and puts such prisoner to death shall be sent to the penitentiary for life or not less than five years.

Sixth. Any person who participates in a mob, who obstructs, or in any way prevents, a State or municipal officer in discharging his duty to apprehend, prosecute, protect, or punish any person suspected of or charged with any public offense, and puts such person to death shall be guilty of a felony and punished as above stated.

Seventh. That any person who participates in any mob by which a person is put to death shall be guilty of a felony and punished as above stated.

Eighth. That any county in which a person is put to death by a mob or any county into which or through which the victim is carried before he is put to death shall forfeit \$10,000 to the family, or if he has no family, to the Government.

Ninth. That the Federal judge in whose court such forfeiture is recovered shall not only have all the ordinary means provided by law to collect such forfeiture but that he shall have the power to issue a mandatory order commanding the taxlevying officer of such district or county to levy a tax on the property of all the taxpayers of the entire county for the payment of such forfeiture, and if such State officer refuses said Federal judge shall have the power to commit such officer to jail as for contempt of court.

The first provision of the bill is merely the definition of a mob or riotous assembly. The second provision is a legislative finding or declaration, which if uttered by an individual would be denounced as a willful fabrication. Section 3, providing for the punishment of State and municipal officers, charged with duty and authority as such officers, to protect the life of any prisoner they may have in their custody, when in their power so to do, who fail or refuse to discharge such duty, is unconstitutional, first, because the right of such prisoner to be protected from mob violence is not a right secured to such prisoner under the Constitution and laws of the United States. Every citizen of a sovereign State must depend and rely exclusively upon the State government to protect all such rights. Second, because taking into consideration every provision in the bill you can not deduce therefrom the constitutional and legal definition of the denial by the State or its agents of the "equal protection of the law." It ignores the element of discrimination, of unequal treatment, essential to constitute the offense.

But this portion of the bill is unnecessary, and if enacted would only add confusion to the well-defined and settled law now upon the Federal Statutes, which in every respect covers the offense attempted to be defined and punished by this portion of this act. Under this law, if a State or municipal officer willfully permitted a prisoner to be taken from his possession and mobbed, such official could be indicted, prosecuted, and convicted under the following act—section 5508, United States Statutes:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the United States.

Section 5509 provided in substance that if death should result or any other felony be committed in the act of violating any provisions of the foregoing section that the same punishment should be inflicted upon the offender as provided under the State law for that offense. This statute has repeatedly been held to be constitutional, and goes as far in punishing the citizens of a sovereign State as Congress has the constitutional authority to enact. Under it in the case of *Logan v. United States* (144 U. S. Court) it was held that a mob who took a prisoner from the custody of a United States deputy marshal

and killed him was properly indicted and prosecuted. Its constitutionality was sustained upon the ground that the Constitution and laws of the United States secured to the prisoner the right of protection while legally in his custody as a deputy marshal of the United States. Justice Gray, in delivering the opinion of the court, stated:

The prisoners were in exclusive custody and control of the United States, under the protection of the United States, and in the peace of the United States there was a coextensive duty on the part of the United States to protect against lawless violence persons so within their custody, control, protection, and peace, and a corresponding right of those persons secured by the Constitution and laws of the United States to be protected by the United States. If the officers of the United States charged with the performance of the duty in behalf of the United States of affording that protection and securing that right neglected or violated their duty, the prisoners were not the less under the shield and canopy of the United States.

In *Ex parte Virginia and Neill v. Delaware* (100 U. S.) the Supreme Court held an act of Congress constitutional punishing a State officer for denying a citizen of that State the equal protection of the law in discriminating against such citizens on account of his race in selecting jurors for the State court. In rendering the opinion the court says:

Whoever by virtue of public position under a State government deprives another of life, liberty, or property without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibitions, and as he acts in the name of and for the State and is clothed with the State power, his act is that of the State.

On the other hand, Congress passed an act—section 5519, United States Statutes—as follows:

If two or more persons in any State or Territory conspire and go in disguise upon the highways or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the law, of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving to all persons within such State or Territory the equal protection of the laws, each of such persons shall be punished.

And so forth.

In the Circuit Court of the United States for the Eastern District of Tennessee an indictment was returned by the grand jury against R. B. Harris and 19 others. The fourth count of the indictment charged—

That the defendants did conspire together for the purpose of depriving said P. M. Wells, who was then and there a citizen of the United States and of the State of Tennessee, of the equal protection of the laws, in this, to wit, said Wells having been charged with an offense against the law of said State was duly arrested by said Tucker, deputy sheriff, and so being under arrest was entitled to the due and equal protection of said laws and to have his person protected from violence while so under arrest, and the said defendants did then and there unlawfully conspire together for the purpose of depriving said Wells of his right to the equal protection of the laws and of his right to be protected in person from violence while so under arrest, and did then and there deprive of such rights and protection and of the due and equal protection of the laws of the State of Tennessee by then and there and while he, the said P. M. Wells, was so then and there under arrest as aforesaid, unlawfully beating, bruising, wounding, and killing him, the said P. M. Wells, contrary to the form of the statute in such case made and provided.

And so forth.

This indictment was excepted to by the defendants, as follows:

"Because the said section 5519 of the Revised Statutes of the United States, in so far as it creates offenses and imposes penalties, is in violation of the Constitution of the United States, and an infringement of the rights of the several States and the people thereof."

The case came up for hearing in the circuit court, with the circuit and district judges presiding. These judges were divided in their opinion as to the constitutional authority of Congress to enact this statute, and the question was certified to the Supreme Court for decision. The court, in delivering the opinion, stated:

Proper respect for coordinate branch of the Government requires the court of the United States to give effect to the presumption that Congress pass no act not within its constitutional authority. This presumption should prevail unless the lack of constituted authority to pass an act in question is clearly demonstrated. While conceding this, it must nevertheless be stated that the Government of the United States is one of delegated, limited, and enumerated powers. Therefore every valid act of Congress must find in the Constitution some warrant for its passage, etc. When, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an expressed power and necessary to its execution. If it be, then it may be exercised by Congress. If it be not, Congress can not exercise it.

The demurrer filed to the indictment of this case questions the power of Congress to pass a law under which indictment was found. It is therefore necessary to search the Constitution to ascertain whether or not the power is conferred.

The learned justice quoted and discussed the thirteenth, fourteenth, and fifteenth amendments and section 2 of Article IV of the Constitution of the United States, and reviewed decisions of the Supreme Court rendered under these provisions of the Constitution, and held that there is no authority in any of the provisions of the Constitution or amendments which authorized Congress to enact the statute, that it was an invasion upon



the rights of the States, and therefore an attempt at usurpation of power. Among other things, the court said:

A private person can not make constitutions nor laws, nor can he with authority construe them, nor can he administer or execute them; the only way, therefore, in which one private person can deprive another of the equal protection of the law is by the commission of some offense against the law which protects the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the thirteenth amendment, we should by virtue of that amendment accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus under the provisions of the Constitution, which simply abolished slavery and involuntary servitude, we should with few exceptions invest Congress with power over the whole catalogue of crimes. A construction of the amendment which leads to such a result is clearly unsound.

The fourth, fifth, sixth, and seventh provisions of the bill are clearly an attempt by the Federal Government to unconstitutionally extend its iron hand between a State government and its citizens and prescribe a rule of action for the individual citizens of a sovereign State.

Commencing with the Slaughterhouse case and coming down to the present time, there is an unreversed, unlimited, and uncriticized line of decisions by our Supreme Court on the extent and limitations of the thirteenth, fourteenth, and fifteenth amendments. It is now firmly settled by these decisions that the fourteenth and fifteenth amendments are prohibitions against State action alone. The fourteenth amendment provides among other things:

No (State) shall deny any person within its jurisdiction the equal protection of the law.

This is a direct declaration against State action, and Congress can enforce it against the State or any officers of the State, because the officers act in behalf of the State, and their acts are the State's acts. It is possible that if the State persists in denying to persons within its jurisdiction the equal protection of the law, that the Federal Government might have the Federal authority under the fourth article of the fourth section of the Constitution to declare that such offending State in practice did not maintain a republican form of government, and declare that such State was no longer a member of the Union. After which Congress might have the authority to pass direct primary legislation for the Government of the people occupying the territory of such former State; but so long as the State remains a member of this Union she is entitled to exercise all of her reserved powers unhampered, independent of the Federal Government, and in spite of any action that Congress itself may take.

FOURTEENTH AMENDMENT, ITS MEANING AND LIMITATIONS AS CONSTRUED BY OUR SUPREME COURT.

In *United States v. Cruikshank* (92 U. S., p. 555), in construing the fourteenth amendment and that provision of it that the proponents of this bill claim give them the constitutional warrant to pass it, to wit, that "no State shall deny to any person within its jurisdiction the equal protection of the law," Chief Justice Waite uses the following language:

This provision does not any more than the one which precedes it, and which we have just considered, namely, the provision prohibiting a State from depriving any person of life, liberty, or property without due process of law, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism; every republican government is in duty bound to protect its citizens in the enjoyment of this principle, if within its power. This duty was originally assumed by the States and still remains there. The only obligation resting on the United States is to see that the States do not deny the right. The amendment (fourteenth) guarantees this, but not more. The power of the National Government is limited to the enforcement of the guaranty.

Again, in *United States v. Harris* (106 West) Justice Wood, in rendering the opinion of the court, says:

It, the fourteenth amendment, is a guaranty against the acts of the State government itself, it is a guaranty against the exercise of arbitrary and unconstitutional power on the part of the government and legislation of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether expressed or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppressing of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform the duty that guaranty itself supposes it to be the duty of the State to perform.

Note the closing part of this quotation, that Congress is not authorized to perform the duty that the guaranty itself supposes it to be the duty of the State to perform. In other words, Congress is without constitutional authority to enact direct and primary legislation for the government of any people in any State under the fourteenth amendment to the Constitution. These matters lie entirely within the sovereign right and exclusively within the jurisdiction of each State. Judge Bradley in the Civil Rights Case, which came up under an enactment of Congress providing all persons within the United States shall have equal privileges in hotels, public conveyances, places of public

amusement, regardless of race or color or previous condition of servitude, and in holding that statute unconstitutional, the learned justice stated:

It is State action of a peculiar character that is prohibited by the fourteenth amendment; individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States, or which deprives them of life, liberty, or property without due process of law, or which denies to them the equal protection of the laws.

The fifth section of the fourteenth amendment provides—

Congress shall have power to enforce this article by appropriate legislation.

Meaning that Congress is vested with all necessary power to enforce the prohibition on State action, that "no State shall deny to any person in its jurisdiction the equal protection of the law."

Speaking of the power of Congress to enforce this guarantee against State action, Judge Bradley in the Civil Rights Case continues and says:

To enforce what? To adopt appropriate legislation for correcting the effect of such prohibited State laws and State action, and thus to render them effectually void and inoperative; this is the legislative power conferred on Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide against State legislation and State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulations of private rights, but to provide modes of redress against the operation of State laws.

From an exhaustive review of all the decisions of the United States Supreme Court on the subject under discussion, I state the following principles are firmly settled:

First. The people of the United States within any State are subject to two governments—one State, one National. The powers which one possesses the other does not. They were established for different purposes, and have separate jurisdiction. Together they make one whole and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad.

Second. That Congress has the constitutional authority to legislate for protection of any right secured to a citizen of a State by the Constitution and constitutional laws of the United States and that these rights are very few.

Third. That under the fourteenth amendment to the Constitution of the United States Congress has the constitutional authority to pass appropriate legislation to correct the effect of State laws and State action which deny to any of its citizens the equal protection of the laws of such State and for such purpose may punish State officials as such who are guilty of such denial of the equal protection of the law. This far and no farther can Congress go.

Fourth. That Congress has no constitutional warrant to legislate for the suppression of crime within a State as attempted in this bill. That the citizen of a State must depend entirely upon the laws of the State for protection of his life, liberty, and property and pursuit and acquisition of happiness. I quote again from one of the great opinions of the Supreme Court of the United States in the Civil Rights Case:

Civil rights, such as are guaranteed by the Constitution against State aggression, can not be impaired by the wrongful acts of individuals unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings; the wrongful acts of an individual, unsupported by any State authority, is simply a personal wrong, or a crime of that individual, an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by a resort to the laws of the State for redress. An individual can not deprive a man of his right to vote or hold property, to buy or sell, to sue in the courts, to be a witness or a juror; he may by force or fraud interfere with the right in a particular case; he may commit an assault against the person or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but unless protected in these wrongful acts by some shield of State law or State authority, he can not destroy or injure the right; he will only render himself amenable to satisfaction or punishment and amenable therefore to the laws of the State where the wrongful acts are committed.

When the Constitution seeks to protect rights against the discriminative and unjust laws of a State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights which it denounces and for which it clothes Congress with power to provide a remedy. The abrogation or denial of rights for which the States alone were or could be responsible was the great seminal and fundamental wrong which was intended to be remedied; and the remedy to be provided must be predicated upon that wrong. It must assume that in the cases provided for, the evil of the wrong actually committed rests upon State law or State authority for its exercise or perpetuation.

Reverting to the last eight lines in section 3 of the act—section 4 of my analysis of the bill—we find that the authors of this bill, the Republican members of the Judiciary Committee, the Attorney General of the United States and his assistant, assume that Congress has constitutional authority to prescribe the



mode, method, and diligence that a State, county, or municipal officer must use in discharging the duties imposed upon such officer by the laws of his State; and if such officer fails to comply with the royal decrees of Congress in discharging his duties in a manner to please some petty Federal official, then under this bill such State official may be indicted, prosecuted in the Federal Court, and sent to the Federal prison for five years.

Again I thank God for our great Constitution of the United States, and for the great patriots and intellectual giants who adorned the bench of our Supreme Court. To eternally damn this attempted usurpation of power, I will cite you to Kentucky against *Dennison*, in the Supreme Court of the United States. Chief Justice Taney, in delivering the opinion of the court, used the following language:

The demand being thus made, the act of Congress declares, as does the Constitution, that "it shall be the duty of the executive authority of the State" to cause the fugitive to be arrested and secured, and delivered to the agent of the demanding State. The words "it shall be the duty" in ordinary legislation imply the assertion of the power to command and to coerce obedience. But looking to the subject matter of this law and the relations which the United States and the several States bear to each other, the court is of opinion the words "it shall be the duty" were not used as mandatory and compulsory, but as declaratory of the moral duty which this compact created when Congress had provided the mode of carrying it into execution. The act does not provide any means to compel the execution of this duty, nor inflict any punishment for neglect or refusal on the part of the executive of the State; nor is there any clause or provision in the Constitution which arms the Government of the United States with this power. Indeed, such a power would place every State under the control and dominion of the General Government, even in the administration of its internal concerns and reserved rights. And we think it clear that the Federal Government under the Constitution has no power to impose on a State officer as such any duty whatever and compel him to perform it, for if it possessed this power it might overload the officer with duties which would fill up all his time and disable him from performing his obligations to the State, and might impose on him duties of a character incompatible with the rank and dignity to which he was elevated by the State.

Section 5 of the bill imposes a penalty of \$10,000 on each county in which a man may be mobbed and on each county in which or through which the victim is carried, and confers upon the Federal judge in whose court judgment may be rendered for said penalty the power to compel the tax-levying State officers of such county or counties to levy a tax upon the property of all the citizens of that county for the payment of such judgment. This provision is so manifestly unjust that I can not believe any body of intelligent, fair-minded men would sanction it. To penalize all the resident citizens of a county because of the unlawful act of five or more persons, who may not even be residents of the county in which the victim was mobbed, outrages every sense of justice and fair dealing. It would be robbery committed under the forms of law.

The Constitution of the United States in expressed terms confers upon Congress the tax-levying and collecting power, and yet, notwithstanding this expressed delegation of power to Congress, the Supreme Court of the United States has held that Congress had no constitutional right to tax the salary of the officer of a sovereign State; that the power to tax necessarily included the power to destroy, and if this power to tax the salary of a State officer were conceded to Congress, then, by the extreme exercise of such power, Congress could destroy every State government in the Union; therefore this right was denied to Congress by the court as contravening the relations of the State and Federal Government to each other and of both of these Governments to the people. As to this forfeiture there is no expressed or implied power in the Constitution vesting in Congress the right to legislate on this subject, and if Congress can constitutionally impose a penalty or forfeiture upon a State or political subdivision of a State of \$10,000, then it could do likewise to the extent of a hundred thousand, a hundred million, or a billion, and thus destroy every State government in the Union, and in the language of the Supreme Court "radically change the whole theory of the relations of the State and Federal Government to each other, and of both of these Governments to the people."

But, reverting, Mr. Chairman, to section 2 of the bill, which provides:

That if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person the equal protection of the law of the State, and to the end that such protection as is guaranteed to the citizens of the United States by its Constitution may be secured, it is provided—

Then follows the penal provisions of this bill. I noticed in the press a few days ago that there is an organization in Chicago which covered in its operations the large cities of our country known as the "golden circle." Their business and their only business was to hold up people and rob them. They had regularly adopted rules and regulations and were to divide the spoils equally. They guard their tongue when in public places

and never operate or hold up any person when they were under the influence of liquor.

If Congress possesses the constitutional authority to enact the foregoing section of this bill and if the enactment of that section confers upon Congress the constitutional warrant to pass direct and primary legislation, to punish individual citizens of a sovereign State for violating the laws of a State, then Congress would have the constitutional authority to declare that if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life, property, or the pursuit and acquisition of happiness of any person within its jurisdiction against the unlawful and criminal acts of any person or bands of persons contrary to the laws of such State, then such State, by reason of such failure, neglect, or refusal to provide this lawful protection, shall be deemed to have denied to the injured persons aforesaid the equal protection of the laws of said State, or said State shall be deemed to have deprived such injured person of "life, liberty, or property without due process of law," and to the end that such protection as is guaranteed to the citizens of the United States by its Constitution may be secured as it provided, then Congress would have as much right and constitutional warrant to provide an entire penal code for all offenses committed by any and all citizens of every State in the Union against the penal law of a State and the enacted penal code of Congress, and thus usurp all the reserved powers of the State over their strictly internal affairs, destroying our system of government and reducing the States to a condition of vassalage or provinces, the same status they occupied prior to the Revolutionary War, when they were dependent colonies of England.

It is useless for me to state that a revolution would follow if Congress thus followed the principles contained in this bill to their logical conclusion. This, gentlemen, is not a mere picture of my imagination. I quote from Justice Miller in the opinion of the Supreme Court, in *Sixteenth Wallace*, and leave it to you to draw your own conclusion:

Was it the purpose of the fourteenth amendment by the simple declaration that no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States (I will add, "Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law") to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow, if the proposition of the plaintiff (the proponents of this bill) be sound.

For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance limiting and restricting the exercise of power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects, and still further, such construction would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve, as consistent with those rights as existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions, when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these Governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

To Members of Congress who earnestly and sincerely desire to comply with their oath to support and maintain the Constitution of the United States against all enemies, both foreign and domestic, further citation of authorities is unnecessary. The question in this case is whether you will support the Constitution of the United States, maintain its integrity, and preserve our Government, or whether you will depart from the path of duty, carry out the behest of the Republican platform, the instruction of a Republican President, and prostrate yourselves upon the shrine of political expediency.

Mr. Chairman, we seem to have forgotten that old historic truism, "Experience is the best teacher." Other great peoples flourished before we had verified our successful experiment of popular government by establishing the existence of the United States of America. And these experiences have exemplified for us and for our benefit many of the troubles incident to the ups and downs of national life.

The newer and improved conditions of the world's economies have blessed our people with untold opportunities; and many of the advanced steps to a better day have originated in the life work of our virile people. We have stimulated nobler im-



pulses and better living for mankind; and our splendid achievements in government have set the universal pace. Because of a peerless past and our unexampled career in material greatness, and because of our primitive conception of efficient government by and for the common people, and for our successful construction and operation as the matchless world leader of the organized powers, we may be fatally off our guard. That old political proverb still rings its self-evident call, "Eternal vigilance is the price of liberty." At the present time it is more true than it has ever been, and we the people are admonished by all the axioms of time to adjust and readjust ourselves to the related principles and forces of our political life and welfare.

It is comparatively unimportant to fortify against external foes. Outside enemies are not anxious to test the metal of our spirit or of our impregnable outer works. Our coast line and our rivers and mountains give us a powerful natural defense, and our inexhaustible resources guarantee the means of well-ordered and continued existence.

But, Mr. Chairman, prosperity has often proved a curse, and by that very sign the principalities and powers have gone down to destruction. The most splendid dynasties have fallen before the wiles and guiles of effeminacy, and the most powerful thrones have crumbled when luxury wielded the scepter; but more fatal than the enervating agencies of the flesh are the frailties and decay of the spirit, and the corrosion of the vitals which unconsciously sap the strength and power, and which means paralysis and inevitable death.

And more certainly fatal to the life of a people than the demoralization of sumptuous pleasures and more destructive than the insidious virus of an incurable disease are the covert and tragic conclusions of political heresy and the dry rot of political indifference and the insinuating malice of sectional hate and partisan greed.

Under the spell of delusion and deception and partisan ambition great peoples and splendid civilizations are no more.

Egypt, the birthplace of letters, the most ancient, long-lived, and powerful nation of the primeval day, surrendered her scepter and her sword to Persia and became her vassal—a victim to her own involuntary reaction, yielding to the inevitable degeneracy of physical, moral, and intellectual degradation and spiritual death. In turn and in order Persia succumbed to the Babylonian Empire, whose wealth and magnificence and power were handed over to Assyria in the eighteenth century before Christ. The hardy Assyrians, following Egypt and Babylon in their splendors and imitating them in their degenerate decay, were overcome by the Chaldeans.

The Chaldeans did exactly as the others had done, and simply degenerated and died when the cancers of effeminate living and political depravity pronounced their doom. And so with Greece and Rome and more modern powers, who have erected their national temples and left their national cemeteries to perpetuate their memorials of glory and their confessions of inglorious defeat and suicidal death.

Mr. Chairman, do these familiar examples of ephemeral national life offer no warning to this mighty Republic of America? Is it not a plain deduction that might and power do not make immortality? Is it not a sane and sensible conclusion that the worms that infest the vitals are disastrous to life? Can we fail to see and understand that if the tried and substantial verities of our national life are undermined, the great fabric of our constitutional Government must follow the fated footsteps of the suicidal narcotic, and the self-inflicted fatalities of the mighty peoples who have perished. "What profit is it to a man if he shall gain the whole world and lose his own soul?" That is the warning that applies.

The dangers of the hour which threaten our Government and our people are not new; they are strikingly similar to those of other times, when the proud standards of the greatest nations have trailed to the dust in humiliation and in sorrow.

No more conspicuous example can be cited than that of the Roman Empire, whose eagles were borne by victorious legions to the supremest heights of national glory. Perhaps the greatest individual character in history was Julius Cæsar, whose heroic personality thrills the imagination of every schoolboy, and by whose leadership the proud mistress of the world has written the story of her eternal hills. Bulwer tells of the bold and brilliant and brittle populace in his surpassing story, "The Last of the Roman Tribunes," and Gibbons's "Rise and Fall of the Roman Empire" is standard history.

It is not difficult to divine the full scope and meaning of this antilynching legislation, so persistently sought by the party in power.

It belongs to that kind of political demagoguery, so dear to the malignant partisanship of the day, when the chance to

wave the bloody shirt inspires the hope that some happening, good, bad, or indifferent, will serve to bolster the drooping spirits of the G. O. P., and continue without interruption the mercenary reign of foreign-relations hypocrisy and the dominating power of Newberry scandals.

Mr. Chairman, with the Republican Party platform declaring:

We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization—

and with the President's message, April 12, 1921, insisting that—

Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy—

we have no misgivings as to the principles fostered in this Republican antilynching movement. It is politics and nothing but partisan politics from start to finish of the most reckless and virulent kind.

Its political aim is partisan power.

Its political motive is partisan advantage.

Its political hope is partisan privilege.

Its political fear is partisan loss.

Its political prayer is partisan votes.

Its political spirit is partisan greed.

Its political principle is sectional hate.

Its political passion is partisan life everlasting, ad infinitum, and with all the political plunder and perquisites, "for me and my wife, my son John and his wife, us four and no more"—proof, the Newberry senatorship campaign in Michigan.

It is impossible to avoid the conclusion that desperate political fear has driven the Republican Party into their hateful temper of the "bloody-shirt" régime—that disgraceful and shameful reconstruction era of "spoils and persecution."

That they are devoid of respect for the Constitution, as they have often been, note their platform appeal to Congress, and the message of the President to Congress—plain intimations that Congress shall override the "State's rights and prerogatives," as they have consistently preached and practiced whenever their day of political control suggests that the political expedient must rescue the old party of expediency.

Coming down, Mr. Chairman, to the spiritual merit of this Dyer bill and its kindred and associated measures, which constitute the summum malum of the entire dastardly budget of unpatriotic wickedness, leveled so unscrupulously at the heart of the Nation, the astounding fact is that such a practically impossible proposition can even have a day in court.

Its projectors must be a new bunch, and not that old one of reconstruction notoriety, who would know better. Certainly the force bill conspirators are not trying to rally their routed and panic-stricken degenerates to again risk the gantlet of defeat and failure. Surely the remnant of that old tribe of apostate carpetbaggers are not plotting a new incursion to Dixie. The blackened and battered homes are repaired and rebuilt and the devastated fields are fruitful again with prosperity. We are not so helpless now. We have gotten on our feet again.

And the American citizen of "African descent" has learned a little—enough to remind him of the "40 acres and a mule" that once fooled him so miserably—and he can never forget the long-drawn out farce of the "Freedman's Bureau," and the outrage of the "Freedman's Bank" still haunts his bewildered memory.

He is not so cheap a victim now as he was then. He sees better, and he even dares at times to kick to pieces the ties that bind the fellowship of his "political brother."

But, Mr. Chairman, this latest device to catch and to hold the deluded Negro vote is just another but more desperate attempt to chain him to the chariot wheel of Republican supremacy. It will fail, for there is no more sincerity in it now than when citizenship responsibilities were imposed and burdened his dull and sightless political senses.

We of the land of Dixie, long the special breeding ground of Republican shams, have had the Negro problem with us ever since he became the Republican puppet and tool, and it is exclusively upon our hands.

We have no antipathy to our Negro population. For the material welfare of the Negro there are no better friends than his white neighbors of the South.

In our great Texas Commonwealth we do all we can for his education, and his school privileges are ample and indiscriminately enjoyed at State expense. The Prairie View Normal is a comfortable and commodious and slightly State institution. It was built and furnished at an approximate cost of \$1,000,000. It is operated by the State, but managed exclusively by a Negro faculty for the benefit of Negro students, and all of it at the expense of the State. The school tax is equally prorated



for the public schools and for all Texas children without racial discrimination.

The Negro problem is the peculiar problem of the South. It would long ago have been solved in the best interest of both races but for the political partisan spirit of the Republican machine and the so-called white uplift organizations of the North and East who send their disturbing emissaries into the Southern States and in secret meetings of the Negro race preach the damnable doctrine of social equality which excites the criminal sensualities of the criminal element of the Negro race and directly incites the diabolical crime of rape upon white women. Lynching follows as swift as lightning, and all the statutes of State and Nation can not stop it.

But if the fair-minded element of the Republican Party and the above-mentioned uplift organizations would undertake to impress, as they can impress, upon the rank and file of the dominant agencies and the Negro race generally, the folly of fomenting discontent by awakening hopes that can not be realized in any American locality, the so-called Negro problem will be solved forever.

Mr. TEMPLE. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. ROGERS. Mr. Chairman, the President in his message to the Congress of last week, and Mr. Hoover and his associates in their testimony before the Committee on Foreign Affairs, all dealt with the great emergency in one particular portion of Russia; that portion is a certain sector along the course of the Volga River. I do not know whether all members of the committee are entirely familiar with the location of that region; and if they are not, it occurred to me it might be of interest to them to know.

The Volga River flows from north to south pretty well over to the east of European Russia. The famine area extends on both sides of the river from the city of Kazan, one of the historical religious shrines of Russia, south past the city of Samara, and ends somewhere in the neighborhood of the city of Saratov. The distance from Kazan down to Saratov is some 300 or 400 miles, but the famine area in width is rather narrow.

The point I wish to make in indicating the location of this Volga famine region is that the region is several hundreds of miles to the east of Moscow and many more hundreds of miles southeast of Petrograd. On account of transportation conditions as they are in Russia to-day the travel time for the actual distance is, in fact, multiplied several times, so that whereas one might require 24 hours to get from Petrograd or Moscow to the famine region in normal times, the journey would now, with present transportation conditions, take a week.

Many Members of the House fear that this relief bill is going to aid the tottering bolshevik régime. Their fear is perhaps natural, but it is wholly unfounded. The fact is that if the pending bill has any political significance whatever it will tend to make the bolshevik régime totter still faster.

This region that I speak of is an agrarian region; that is, it is a farming and agricultural region, and that is why its people are so hard hit by the failure of the crops. As I have just indicated, it is a long, difficult, and prohibitively expensive journey to or from the bolshevik centers. There are few large cities in that region, and bolshevism has little or no foothold anywhere in the famine area.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I am sorry I can not.

If we can show to these stricken people that the bolshevik régime is not to be depended upon in the hour of their extreme trial; if we can convince them that their hope is elsewhere, in the great democracy across the sea, that very circumstance is going to aid them in realizing that their own well-being demands their return to a true democracy in government. The hope for a rebirth of Russia lies among the peasant and farming class, here in the Volga Basin and in similar parts of the country.

One other point is all that I have time for. The gentleman from Wisconsin [Mr. STAFFORD] suggested that this proposal would constitute a precedent for every kind of relief program whenever in the future there may be famine or distress anywhere in the world. I think this distinction should be made here: Where the government wherein famine or distress is present can raise money in the markets of the world on reasonable terms there is no call for the United States to step in. But in Russia there is no government which can raise money in the money markets of the world on any terms. You will go down to the restaurant to-day and spend a dollar for your lunch, perhaps; in Russia to buy that meal you would have to pay 100,000 roubles of normal value of \$50,000; \$50,000 worth of paper roubles for a two-course luncheon is the cost of a simple meal

in Russia to-day! Of course, Russia has no international credit. We would not lend money under those conditions; no commercial nation would. And if we do not extend our aid to these starving people no one will, and they will die by the million in the coming months. I do not fear that this shall be used as a precedent in the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNALLY of Texas. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 35 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, this is a bill which, of course, is an appeal to our hearts, but we are not sent here to legislate on the state of our hearts. We are sent here to legislate as trustees, as the gentleman from Maryland said, for our constituents and for our country, and not as trustees to divert funds committed to our care, to be dissipated to every need of all the world.

Yesterday morning when I reached my office I found a very respectable paper on my desk, the Wateree Messenger, from the county of Kershaw, in South Carolina, one of the great and prosperous counties of the State, and in my district, with this statement:

It is said there is plenty of food in the country, yet we know of scores of persons who have scarcely anything to eat or to wear and no money to buy these necessities. Lots of people on the farms have no means to work a crop next year; in fact, a great many persons do not yet know where they will live the coming year.

In another column I found this statement:

Up to December 1, 1921, there were 12,400 bales of cotton ginned in this county against 30,832 for the same period of last year, a difference of 18,432 bales.

In other words, that is merely one of the symptoms that there are in this country unemployed, thrown out of work with nothing on which to live, who are dependent on the charity of the country in which they are, and who will think that we are exceedingly generous with other people's money if we give it to people three or four thousand miles away and do not attend to those who are entitled to it. You say this will not tax them; that it only is a tax of 20 cents a head. It is 20 cents a head, but it is at least a dollar a head on the head of every family, and it is more than that on the head of every man that is able to take care of those people who are around him. The people of this country who have something must take care of people who have not. If you are going to tax them you are decreasing their power to take care of the 6,000,000 unemployed people in the country.

Only yesterday it was announced that the Erie Railroad had put upon half time 5,000 employees. The Baltimore & Ohio Railroad has closed its shops, and thousands of employees are going out at Christmas time with no pay check to come.

The gentleman from New York [Mr. CHANDLER] said a few minutes ago that we have violated the Constitution so many times that it has become a precedent. In so far as I am concerned I do not propose to vote to establish any more precedents of that kind. The gentleman from Kentucky [Mr. CANTRELL] said that this was Christmas time and we should vote it as a Christmas gift. Gentlemen, the spirit of Christmas is derived from Him for whom it is named, and He said sacrifice yourselves and not the other fellow. I never heard the doctrine that it was good to give Christmas gifts by making the other fellow pay. My wife goes downtown and gets a Christmas gift for me and charges it to me, but that is all in the family. [Laughter.] I do not propose that somebody else shall vote a Christmas gift at my expense. I do not propose to advocate the doctrine of giving Christmas gifts when there are thousands starving and crying out for bread in this country, as the gentleman from New York [Mr. CROWTHER] said the other day.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. STEVENSON. Mr. Chairman, the gentleman from New York said a while ago that he has been all the way to Petrograd and he knew what he was talking about. The gentleman from Massachusetts [Mr. ROGERS] said that Petrograd was a thousand miles from these people, and they were not going to help the people around Petrograd, which the gentleman from New York said were starving. Hence I look for the gentleman from New York to have another bill to relieve the people of Petrograd. It is said the people are starving in Armenia and in India and other parts of Europe. If we take care of these people, we will have to take care of the people in Petrograd and people in Armenia and everywhere else, because there is



more agitation to-day to have the people of Armenia taken care of than any other country in Europe.

Mr. CHANDLER of New York. Will the gentleman yield?  
Mr. STEVENSON. Yes.

Mr. CHANDLER of New York. Did I not state in answer to the gentleman from Ohio [Mr. Fess] that my idea of the bill was, as stated by Dr. Temple, that it would apply to any distressed territory of the ancient Empire of Russia.

Mr. STEVENSON. But the gentleman from Pennsylvania said that it was to be limited to the people of the Volga, and so did the gentleman from Illinois [Mr. Sabath] and the gentleman from Maryland [Mr. Lathicum], and I say it is broad enough to reach from up on the Baltic to the extreme eastern part of Siberia. You can not limit it. [Applause.]

Mr. TEMPLE. I yield five minutes to the gentleman from Wisconsin [Mr. Browne].

Mr. BROWNE of Wisconsin. Mr. Chairman, there is undoubtedly great distress to-day in the United States, but no such distress but that each locality can take care of. If the distress becomes so great that its immediate locality can not take care of it and they appeal to the United States Government, the Government will help. To-day in the United States we have millions of bushels of wheat, more than we can consume. We have millions of bushels of corn in the United States in excess of what we can possibly use. We are even burning corn for fuel in certain sections of our country, there is such an overproduction. This bill provides that the President of the United States shall purchase some of our surplus corn and surplus wheat, and also preserved milk, of which we have a surplus, and send it over to Russia and give it to the famished people of a certain district in Russia known as the Volga district. The Volga district has been one of the most fertile agricultural districts of Russia. It has a population of from 18,000,000 to 20,000,000 people. Ordinarily it raises more than enough to feed its people and exports its products, wheat and other grains, but to-day, on account of three successive droughts, the people have not raised nearly enough grain to sustain the population. The rainfall in the last year was only 2½ inches, while it ordinarily has a rainfall of 14 inches. This unprecedented drought having continued for three years, the people there are starving by the tens of thousands. The reports show that in certain children's hospitals 90 per cent of the children already there have died. These are children under 5 years of age. In children's homes where they take children from 5 to 12 years of age, 75 per cent have already died. They make an appeal to this country which I do not believe this country can afford to deny. There is no question about the facts. The passing of this bill means the saving of the lives of several million splendid people. Men like Gov. Goodrich, of Indiana, have been there, and the governor has just returned, and he tells stories that would make a man cry. He told our committee about many cases of suffering that he had seen on his recent trip of investigation in this famine district. He said that in one field along the road he saw an old gray-haired man in feeble health, and his wife bending over picking the seeds from the weeds, and that that man's children and grandchildren, three generations, were doing the same thing, bending over on their hands and knees in that field, pulling every weed for food. They got these seeds from these weeds and ground them and made bread of them. The only bread that was used by the inhabitants was bread made from the bark of trees and the seeds of weeds. He told about the little children that were dying by the thousands for want of food.

The people in this famine-stricken district are a brave peasantry, and they are making a valiant fight for their lives. A dollar and five cents will buy in the market here 60 pounds of wheat. Sixty cents will buy a bushel of shelled corn. It can be sent over there, and it will not disturb conditions here. In fact, it will benefit the people here, it will provide a market for that grain, and it will give employment to men on our railroads, it will move our empty cars and give cargoes to idle ships, and every dollar will remain in the United States. I do not believe that America can send a message to Russia and to the world that will do more good, that will make them love America and American institutions more than for America to send over at this Christmas time enough corn and wheat, seed grain, and preserved milk to save the lives of millions of children, put those people on their feet so that they can live and have seed grain enough for another year, and raise crops that will make them self-supporting.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. CLOUSE. I think a large number of us appreciate the distressed conditions of the people in Russia, but there are a great many of us here that are somewhat disturbed about the power of Congress to lay a tax upon the people of America for

this purpose. I would like to have the gentleman's opinion about that.

Mr. BROWNE of Wisconsin. I think that has been answered several times to-day. Under the general-welfare clause we can go out and buy grain of our own people at any time and give it to whom we please, if it is for the general good. We have done it before, and as an example I cite the gentleman to the relief of the distressed in Messina at the time of the earthquake.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOX. Mr. Chairman, the \$100,000,000 advanced to Europe at the end of the war at the request of President Wilson was a loan. Mr. Hoover has advised the country that 65 to 80 per cent of it has been, or soon will be, repaid to us. The later act permitting the Grain Corporation to dispose of 5,000,000 barrels of its grain to European countries was in the shape of a loan. Neither of these acts were gifts as this is. I think my opposition to this bill grows out of no deafness to the appeal of distress. First and fundamentally, I do not feel authorized to use money collected for governmental purposes by the tax gatherer, backed up by fines and penalties and forfeitures, to make donations to people in other countries. We gather money from the people under our sovereign power, and we use that power in a summary way to make them pay for the support of their Government. I feel that I would be misusing that money if I use it for purposes of world charity. That is one and sufficient reason why I can not support this measure. Another is that I believe it will tend to perpetuate bolshevism in Russia. If that iniquitous system, inaugurated by a set of monsters, dies soon, it will die of its own weakness, but if the world feeds and sustains that country while it still lives under that system it will, in my judgment, be perpetuating it.

That there is much cruel selfishness among the rulers and considerable food in the very regions on which we are bestowing this bounty out of the funds of the people is shown by the following quotation from the hearings held by the committee on this very bill, Hon. James P. Goodrich, formerly governor of Indiana, being the witness:

I heard these reports from different communes of people starving, and I knew they had food enough to prevent starving for the time being.

I said to these folks, there were 20 or 30 in the communal hall, "I wish you would tell me why it is that where there is enough to preserve life for all of you for several months that you permit your neighbors to starve to death."

One peasant answered the question rather slowly. He said, "You Americans do not understand. There is not enough to keep all of us until next harvest. If we divide up now and do not get help, we will all starve to death. It is better that some shall die in order that others might live."

That was his philosophy. He told me that they had had a good bit of experience in 1891, when 300,000 died of starvation in the Volga Valley. But at any rate that was the answer, not easy for Americans to understand.

I believe it is unwise to embark upon this course. This road has no end; this hole has no bottom. Other parts of Russia outside the Volga Valley, for which this measure provides, are starving. Millions of people in China are said to be starving. Armenia we know to be starving. We had this morning a story to a committee that was most pathetic telling of Assyrian distress and starvation. Great numbers of the people there are dying. How much money are we going to take from our own people in order to feed a suffering world?

Again and again advice has come from traveling citizens, our consular agents, and from other observers in Europe that the hundreds of millions of dollars being given in public and private donations from America are being relied upon by great numbers of distressed people there, who are becoming chronic mendicants, relying upon charity, seeking to migrate to America from which so much wealth is coming, and failing to settle down to work.

I quote as a part of my remarks evidence that money is coming from Russia in many millions of dollars to the United States to help subvert the Government of the United States. The Attorney General of the United States recently published a statement as to organizations and activities of bolsheviks in America. Testimony before one of the committees of the House is to the effect that there are some 1,200 such organizations in the United States, and tended strongly to show that gold is coming out of Russia to promote bolshevistic propaganda in the United States.



Mr. Carl Bruhm, head of the International Press Association, who traveled for many months in European countries during 1920 and 1921 and spent much time in northern, central, and eastern Europe, including Russia, testified before the House Committee on Immigration and Naturalization on the 16th day of December, 1921, as follows:

The office (in Reval, the capital of Esthonia) is located in the old Hotel Petrograd, which building was bought by the bolsheviks. From here the Russian gold finds its way into Sweden, where it is melted and stamped with the control stamp of the Royal Swedish assay office and forwarded to the United States. The so-called high commissioner of this bureau offered me at prevailing prices 12,000 pounds rubles and 1,300 pounds of bar gold deposited in a certain bank in Sweden, and this he said was only a small portion of the gold ready to be sold. I was also told by him that the soviet government had pooled all of the jewels found in Russia and that the value of same was estimated at about \$2,000,000,000.

Since then I had a visit about a month ago at my office from a man who came there, who seems to represent the soviet government, at least he says so, saying that he has 75 tons of rubles for sale, and wants to know how he can get that into the United States.

Mr. VAILE. Seventy-five tons of gold rubles?  
Mr. BRUHM. Seventy-five tons of gold rubles. That represents \$45,000,000. I do not see why these people want credit over there for provisions when they have their own gold to pay for it.

Mr. Box. And that representative of that Government appeared in your office in New York?

Mr. BRUHM. Yes.

Mr. SABATH. Of course, you don't know whether he was an accredited agent of that government, do you?

Mr. BRUHM. I met him in Reval. That is how he came to my office. I have seen him at the bolshevik bureau in Reval.

Mr. VAILE. Did he offer to exhibit his goods?

Mr. BRUHM. No; but after his dealings with the so-called high commissioner at the bolshevik agency in Reval—I went there because it was interesting to find out the connection of these people—I went there and I told him that I was in the market for gold. I said, "I know a whole lot of gold is coming into this country," and he opened up and asked me how much I would buy; how much I would pay for 1,300 pounds of bar gold and 12,000 pounds of rubles in Stockholm, deposited with the bank.

Mr. RAKER. Is it your idea that they were exporting this gold from Russia?

Mr. BRUHM. Yes, sir.

Mr. RAKER. For what purpose?

Mr. BRUHM. Of course, when I have no evidence it is perhaps too broad to say that it is for propaganda, but that is my personal opinion.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield two minutes more.

Mr. BOX. All this suffering is pitiful; God knows I wish we could relieve the suffering everywhere; but if we were to do that we would utterly impoverish our own people. Let our people in their generosity and in proportion to their prosperity do that which their hearts prompt. It will not be stinted. We as the trustees of the people, charged with the duty of protecting them against wrong, ought not to permit this reckless use of money which they have put into our hands for use for the purposes of government. Especially when millions of our people are out of work and millions of all classes are in financial distress, I am unwilling to force money from them in taxes for charity in Europe. [Applause.]

Mr. TEMPLE. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, after a great deal of thought and considerable study I have come to the conclusion that this bill should be supported. After hearing what I heard in the Committee on Immigration and Naturalization, which gets the backwash from this appeal, and when we have heard both sides as to what may and may not happen, I am only sorry that the parliamentary situation is such that we are not able at this time to add another \$2,000,000 to this bill for the relief of the people of all that is left of Armenia and of all that is left of Assyria.

In 1919 and again in 1920, in a former Congress, bills for the relief of starving peoples were brought in. The first, or \$100,000,000, bill was for the relief of the starving people of certain of the Allies, or near allies. That bill was passed, 243 to 73. The second, or \$50,000,000 flour exchange relief for Austria, was brought in in November, 1920, under a suspension of the rules, with 20 minutes of debate on a side. I took the 20 minutes in opposition to that bill. I did the best I could in opposition to it, for some of the reasons stated here now by many gentlemen and for additional reasons, including the exchange scheme, and because of the situation existing between the rural and urban populations in Austria. We know more about that situation now, and I am inclined to believe that I was right. But perhaps I was not particularly happy in what I said. It was a hard situation, and there were few votes against the measure. The vote was 285 for, 12 against. Since that time I have reflected. I have read a great deal about the situation

in Russia, in the so-called Balkans, in Asia Minor, in Constantinople, and I have come to the conclusion the United States must continue to work, and work hard, to save what is left of the civilization of the world. Gentlemen, no dollar ever spent for relief by the United States as a Government and no dollar ever spent by our people as contributors to the relief of any suffering in any part of the world has ever been a mistake, or ever will be. [Applause.] For Ireland, for Cuba, for China, for earthquakes here, for famine there, it has all been noble and worthy of our great people.

As long as food is here we must help. If there is not time to organize great relief through private sources, we must do it through public sources. We will not lose. This Nation itself will gain, not only through doing good and doing right but materially.

We represent this Government and we represent districts. There is not time to have a referendum in our districts to know exactly the views of the people, and in this emergency we must act as the people would act, and I am very sure there is not one person in one thousand in the State of Washington who would deny this relief. They know of the pressure from bolshevik government on one side, of the cruelty of the sword of Islam on the other, and of the great famine over all, which has created the situation. Constitutionally we can do it—morally we should do it. Besides, Mr. Chairman, as I stated in an interview the other day preparatory to bringing in legislation with reference to a distressing immigration situation, this Government had better try to help the people there than let them be forced out in great droves by famine, murder, and otherwise onto other countries, ultimately to be shoved onto us. We will do much better to help them just as far as we can—Government help, private help—and we must work rapidly. I thank you, gentlemen. [Applause.] I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

Does the gentleman from Pennsylvania desire to use some time?

Mr. TEMPLE. Mr. Chairman, Mr. BURTON of Ohio, a member of the committee, expected to speak but was unexpectedly called away. He asked me to request leave to extend his remarks on this bill by including in such extension a list of the precedents for such action as this bill contemplates. This list will cover about a page of the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Ohio [Mr. BURTON] have permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. I make the same request, to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, I do not think—

Mr. TEMPLE. One moment. What was done with the request of the gentleman from Ohio [Mr. BURTON]?

The CHAIRMAN. No objection was made.

Mr. COCKRAN. Mr. Chairman, this debate is not merely impressive; it is quite peculiar. I do not dissent from a single word that has been said on either side. Indeed, I feel the arguments offered in opposition to this bill constitute the very strongest reasons for its enactment. If I understand the course of the discussion, everybody here is anxious to see accomplished the purpose at which this bill aims. But while everyone professes the keenest anxiety to have the appalling conditions ended which this bill seeks to end, objections are made that we have no authority here to indulge in philanthropy. Well, I agree to that. We have none whatever, if mere philanthropy be the object. I find a cordial echo in my bosom of the remark by the gentleman from South Carolina [Mr. STEVENSON] that philanthropy and beneficence were always admirable personal qualities but never legitimate political enterprises. I agree that no man has a right to indulge in them at the expense of another or at the expense of the Treasury. That contention is absolutely unanswerable. If this proposal were merely an appeal for generosity, I would say that it was addressed to the wrong body. But I believe it is a measure of sound policy, of high policy, and not merely of high policy but of absolute necessity to the security of our civilization, which is seriously imperiled—aye, rocking on its foundations—by reason of conditions which must be remedied if it is to survive. And no one here, I venture to say, will dispute the proposition that of the civilization which we call Christian, this country is at once the bulwark and the citadel, the latest fruit and the crowning glory. No one who heard



Mr. Hoover describe the appalling destitution actually scourging the people whom this bill is intended to relieve can doubt that its failure to pass will result in their extermination—a civilization under which a whole people are allowed to perish from the face of the earth has failed of its purpose. And no civilization has ever long survived failure to perform the function for which civilization is established. Now, gentlemen say that enactment of this measure will open the door to all manner of extravagances hereafter, and that from these extravagances all manner of disasters will befall our own country. If that were so, I would oppose this bill.

I do not believe that to end an injury in one part of the world we have any right to risk the security or prosperity of this particular part of the world, which is the United States.

Gentlemen are so alarmed lest this measure might establish a new and dangerous policy that they oppose it, even while professing the utmost sympathy with its objects. There is no question of policy here, and there can be none. There is no question of precedence, and there can be none, because we are faced here with an emergency which has no precedent or parallel in the history of the whole human race. You can not deal with an emergency by following precedents or considering them. An emergency in the very nature of things is without precedents. It can neither follow precedents nor establish them. And the frightful emergency we are now considering, being without parallel or precedent in the past, it is not likely to recur in the future. Being an emergency, it must be dealt with according to its features, its own peculiar features. But I want to say now that if these frightful conditions should be repeated in the valley of the Volga or anywhere else, this country should proceed to remedy them with all the means in its power. [Applause.] That is a duty it owes to civilization, and what it owes to civilization it owes chiefly and above all to itself, the flower and center of civilization.

What is the condition with which we are confronted, Mr. Chairman? The report which accompanies this bill states it, I hope, with some degree of clearness. It is not due to any act of man. If it were the consequence of vicious or extravagant procedures by government, I think it would be our duty to tell the victims of misgovernment that they must find a remedy for the destitution affecting them in the overthrowing of the system that caused it.

I think the providence of God is shown just as clearly in the disasters which follow misgovernment as in the blessings that crown good government. It is because the fruits of government always are determined by the quality of government that men are encouraged to defend the institutions which are beneficent and urged to resist and overthrow those that are pernicious. If, therefore, these conditions of famine were consequences of misgovernment, I might oppose this bill. But we have had evidence before us to the contrary which was overwhelming. There can be no question about the accuracy of the statements made by Secretary Hoover, Gov. Goodrich, and other gentlemen who appeared before this committee. And they were unanimous in declaring that these unfortunate human beings are plunged in starvation and on the brink of extinction through no fault of the Russian Government or of the Russian people, but solely and entirely through a visitation of God. The conditions afflicting them are the products of two causes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TEMPLE. Mr. Chairman, I yield five minutes additional to the gentleman.

Mr. COCKRAN. First, there was the natural diminution of production, caused by the contributions of the country in men and foodstuffs to the armies organized by their country to take part in the greatest war ever waged on the face of this earth. That was a waste in itself sufficient to reduce seriously the volume of commodities available for support of human life. It was supplemented and aggravated by a drought lasting for three years—a drought that never had been paralleled in the experience of that country before.

The drought of the first year necessarily reduced the natural value of agricultural productions and that naturally caused some distress. The second year's drought aggravated seriously the injury produced by the first. Not merely was it more prolonged, but the supply of foodstuffs having already been lessened by the first year's drought, the suffering was greatly increased. And then, for the first time, as I say, in the history of the country, a third year of drought followed, and this practically exhausted all the sources of supply. As a consequence that land is absolutely desolate; not desolated by war or through abandonment of cultivation by the inhabitants, as has frequently happened in human history, owing to taxation so oppressive that it deprived them of any chance to enjoy that which they

might have produced, but desolated by the hand of Almighty God, desolated so completely that unless this country affords relief the land can not be planted and extinction of the people is inevitable. From no other source can relief come. When Mr. Hoover and the other witnesses who had visited this land of suffering came before us they asked only \$10,000,000, but on examination by members of the committee they were compelled to admit that this sum would merely feed the people actually starving now; it would not suffice to afford means of planting the soil so that promise of a harvest next year sufficient to support the population would be afforded. But with \$10,000,000 additional not merely would relief from actual starvation be made complete but planting implements and seeds could be supplied sufficient to afford the people a chance once more to live by the products of labor exercised on their own soil. And more than that, this relief would quicken the whole industrial life of the country.

Revival of that basic industry, agriculture, in a most important and productive area of the world would stimulate enormously the revival of trade and prosperity everywhere. Production begins at the soil. The fruits of industry exercised on the earth are the basis of all the manufactures which make active the processes of exchange. And so it is reasonable to assume that in banishing starvation from this sorely afflicted region we may afford its inhabitants an opportunity to render service of surpassing value to the whole world while at the same time effecting regeneration of their own country.

The report also shows clearly that there is no reason whatever to apprehend that any part of this relief, if it is afforded, may be diverted to support of the Russian Government or to benefit it in any way.

Mr. Chairman, I do not know what a bolshevist is. If I did I would perhaps be no less vehement than these gentlemen who denounce them. All I know is this, whatever the present government of Russia may be, it is there. Mr. Hoover and all the other witnesses who have been engaged in distributing relief afforded by American private charity concur in saying that the Government has aided them in every way and so effectively that not a pound of food has been lost or misapplied in transit. So whatever we may think of soviet officials, it is an undisputed fact that they have had nothing to do with these conditions. Mr. Chairman, the simple fact that confronts us is this: A people are starving before our eyes. Unless we give them relief they must disappear under conditions too awful to describe or even to conceive. What is our duty, not alone to these unfortunates but to ourselves? When famine starts pestilence follows always fast upon its heels. Soon it will be finishing the desolation of the country unless we intervene to stop it.

Do gentlemen think if pestilence starts in one part of the world that they can localize it, arrest it at our own frontiers, and keep it from desolating this land of ours which we are sworn to guard? I am not invoking philanthropy, though it is not necessary to argue it when considering the interests of our own country. Thank God, philanthropy is always included within the scope of duty to American patriotism. And let us not hesitate for a moment over constitutional objections. Our Constitution never yet has prevented this country from rendering any service to humanity that Providence enabled it to perform. Let us not allow it now to be invoked successfully to stay the hand of charity and relief when preservation of an important part of the human family may be at stake, or to prevent us from bringing relief to the uttermost ends of the earth wherever the hand of God rests heavily upon His creatures. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, such appeals as that of the eloquent gentleman from New York [Mr. COCKRAN] make it certainly very difficult to vote against this bill. If there were not strong considerations the other way, there are none of us who would decline to vote for it. But there are such considerations that make it not only difficult but impossible for some of us to support it.

Now, referring to the remarks of one of the gentlemen a while ago, I am not a very strict constructionist. I rather incline to liberal construction. I go to the point of justifying appropriations that have been made without specific authority except that contained in the common defense and general provisions of Article I. Thus I am assuming that we can use the money in the Treasury for the purpose of maintaining the common defense and the general welfare of the United States itself. That is a latitudinarian view. That is the view that was entertained and expressed by Story, who was confessedly one of the greatest commentators on the Constitution. He was

of the Federalist school. But Judge Story himself in effect condemned such action as is proposed to be taken here to-day. Having said that Congress can make appropriations of a domestic character with a view of maintaining the common defense or promoting the general welfare, he further said, in substance, that Congress can not go beyond that and make appropriations for purposes extraneous to this country. As I said a while ago, and it is quite significant, when the great lawyer who now presides over the State Department appeared in the Supreme Court to contend for the constitutionality of the farm loan act, he quoted Story as presenting the most helpful and authoritative view of the power of Congress to appropriate the public revenue that has been offered.

Now, there is reference to precedents—

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CONNALLY of Texas. I yield five minutes to the gentleman from Virginia.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes more.

Mr. MOORE of Virginia. Gentlemen talk about precedents. Would it help us, sworn as we are to uphold the Constitution, if there were a great number of precedents that were in favor of this measure? It would not; but as a matter of fact the precedents are so meager that the maxim *de minimis non curat lex* almost applies to them. The donations of any consequence that have been given by this Government to the peoples of other nations were given during the World War, and everybody knows without any detail or any argument that the power that can be exerted by our Government during the period and stress of war is very different from the power that can be exerted in times of peace. The war power is, so to speak, the medicine of the Government. But who would say that the medicine of the Government can be made its daily food? And if now we are to act on the strength of precedents that are connected with transactions that took place during the war how far will we go? Where will we stop?

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. FAIRCHILD. The Messina relief was not given during the war.

Mr. MOORE of Virginia. The Messina relief was prior to the war and it was comparatively small.

Mr. FAIRCHILD. It was \$800,000.

Mr. MOORE of Virginia. It was not contested. It was \$800,000 and not contested. I firmly believe that if a judicial test could be made, in the event this bill becomes a law, by an injunction being brought against the disbursing officers of the Government, it would result in the view being approved that I take the liberty of expressing, and place a check upon our inclination to forget the letter and the spirit of the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CONNALLY of Texas. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Texas has 11 minutes left.

Mr. CONNALLY of Texas. I yield three minutes to the gentleman from Texas [Mr. GARRETT].

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. GARRETT of Texas. Mr. Chairman, I do not know that I shall consume the three minutes allotted to me, because no one would attempt to enter into a constitutional discussion of this or any other question in three or five minutes. That is not the question that is worrying me at this time.

The question that is worrying me is the suffering of humanity all over the earth, everywhere. The question that is disturbing me now is not only the suffering in Russia and Armenia and all Europe, but also in these United States of ours. [Applause.] I want to call the attention of the House at this time to one very solemn fact. That is, that the Committee on Military Affairs on yesterday reported a resolution to direct the Surgeon General of the Public Health Service to furnish ex-service men in the United States Public Health Service hospitals not now receiving compensation with necessary clothing for the coming winter. In the city of Houston, at Camp Logan, where ex-service men of the World War from three or four different States are assembled, the representative of the Red Cross at that hospital wrote me that there were 40 ex-service men in that camp who did not have sufficient clothing at this time to make them comfortable. An ex-service captain wrote me that many

of the men at Camp Logan were not sufficiently clad that they could attend the Red Cross hut gathering where the people had assembled to give them entertainment; and I want to say here and now that I am going to call upon the chairman of the Committee on Rules, if necessary, to give me a rule on that resolution, in order that we may have relief now at least for the boys who offered their lives in defense of their country. [Applause.]

As to the question now before the House, if I must decide as to whether or not I shall vote yea or nay in the matter of saving starving mothers and children by the thousands and tens of thousands in stricken Russia and Armenia who are not in any way responsible either for their own sad condition or that of their government, I shall vote for the perishing women and children and take the consequences. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I am not insensible to the quality of the appeal made to the hearts of us as men, but I submit that that appeal is made to us as individuals and not as Representatives. As a citizen of this country I am willing not only to give out of my own pocket dollar for dollar in proportion to my ability with any other Member here but also with any other citizen to relieve the distressed anywhere on the face of the globe and to extend the cause of humanity and of Christianity anywhere. I am not only willing to give the price of a bushel of corn but I will go further, and am not speaking facetiously when I say I am willing to give the price of a gallon of corn.

But, Mr. Chairman, the question here is one of official duty, and I believe the gentleman from Virginia is right when he says that a taxpayer will have the right to go into the courts yonder and enjoin the expenditure of a single dollar of the appropriation contained in this bill. I believe some of them will do it, because, gentlemen, the time was a few years ago when it made no difference to the people back home how Congress spent the money, because the people back home did not know where the money came from. The revenues of the Government were then raised by indirect taxes. The more Congress spent the better people liked it. The more appropriations we got to be spent in our districts for any kind of a mudhole under the pretense of river and harbor appropriation the better the people liked it. But not so now in the days of direct taxes. Mr. A and Mr. B, who have now got to go down into their pockets for Uncle Sam's budget, are demanding to know how the money is spent and where it is spent, and I tell you gentlemen that some of the men who are having to borrow the money to pay their taxes this year will appear in the Supreme Court to enjoin the disbursement of this money on the ground that Congress has exceeded its constitutional power.

Further than that, gentlemen, in order to be consistent you must accept the amendment that will be proposed giving relief to Armenia in order that she, too, may share in this beneficence. This appeal is made to the brotherhood of man, and Armenia, the oldest Christian nation on the face of the globe, is entitled to our consideration. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEMPLE. I yield five minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, this is a day when the country has the right to expect of us careful scrutiny of all expenditures. I think it is expected of us that we shall save every dollar we can and that we shall cut every appropriation as short as possible, and otherwise help the people of this country who are in sore business straits, to help them to keep going. But there are times, even when the pull is hard, when we ought to reach out. It is well enough to be thrifty and we want to be. It is a fine thing to pick up material wealth and add to our resources and husband our savings, but for what purpose in the last analysis? To do some good with what we get together, to be in a position whether as individuals or as a country to reach out and help the weaker brothers. If this discussion to-day is to fall on the constitutionality of this question, God forbid that I ever enter that field. If it is a question of placating some imaginary future government in Russia in order to get business from them or in order to establish pleasant diplomatic relations there, I say "Pooh, pooh to that!" but if it is a question of aiding a starving people through the generous hearts of the people of a country like ours, which is not on the verge of starvation, which is not going bankrupt to-morrow; if it is a question of giving a little of what we have to do the last thing which can be done for human beings, namely, to save their lives, then let us pull a



little harder and let the coat shine a little brighter in order that we may do that good. [Applause.]

I wish to add one more idea of what should be accomplished by this resolution. It is said that the money will be spent in a certain little district in Russia which is very deserving, but right alongside, within easy transportation, is a little republic, a little Christian country which has reached out to America from the first day until this minute. They have sent over here tens of thousands of the best European people who have come into our midst. They have assimilated well, they have not filled our jails, they have not been bomb throwers, they have not been the kind that is stirring up the country from the bottom and seeking to ruin it. They have tried to be of use, they have been starving, not by their own fault, not particularly by the drouth of this year, but by devilish treatment by their neighbors for many years. They are hungry now. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WINSLOW. I refer to Armenia, and I hope the legislation will include them.

By unanimous consent, Mr. WINSLOW had leave to extend his remarks in the RECORD.

Mr. TEMPLE. I yield to the gentleman from Oregon [Mr. SINNOTT].

#### THE 50 PER CENT SURTAX.

Mr. SINNOTT. Mr. Chairman, the press has indulged in a lot of captious and sarcastic generalization about the Senate 50 per cent surtax imposed on incomes over \$200,000 in the new revenue act, known as the "revenue act of 1921." As a rule such editorial criticism gives little information, analysis, or comparison of the difference between the Senate rate of 50 per cent and the rejected proposed House rate of 32 per cent, which all applauded. The authors of much of this criticism are content to indulge their irony in such sarcastic references as "swat the rich," and to stigmatize the House supporters of the Senate rate as "demagogues."

The fact that 646,582 surtax payers with incomes between \$5,000 and \$68,000 per annum out of the total number of surtax payers of 657,659 got no reduction in their surtaxes in the House bill but got such reductions in the Senate bill, is seldom commented upon.

The fact that all surtax payers having incomes under \$86,111.11 received greater reductions in taxes in the rates adopted than in the House bill is seldom mentioned.

Let us examine the difference between the rejected House bill rate of 32 per cent and the adopted Senate rate of 50 per cent.

It will be remembered that the House bill fixed the maximum surtax rate at 32 per cent on incomes over \$66,000 and retained the surtax brackets of the revenue act of 1918 under \$66,000.

The Senate bill fixed the maximum surtax rate at 50 per cent on incomes over \$200,000 and lowered the bracket rates of the revenue act of 1918. The House on November 17 adopted the Senate rate.

In my remarks in the House on November 17 last I erroneously credited the proposed House rate of 32 per cent with some reductions in surtaxes on incomes between \$5,000 and \$68,000 per annum, but as a matter of fact corrected tables show that the House bill made no reduction in surtaxes on any income between \$5,000 and \$68,000, but, on the contrary, the House bill left such incomes to bear much of the load of the shift of surtaxes necessitated by the proposed reductions in the House bill for incomes of \$100,000 and over.

This means that 646,582 surtax payers were wholly overlooked and absolutely ignored in the proposed reduction of surtax rates in the House bill, while at the same time out of the total number of surtax payers, to wit, 657,659, only 11,077 were given reductions in their surtaxes by the House bill; furthermore, in the House bill there was no appreciable reduction made in surtaxes until incomes of \$100,000 and over were reached, the number of such incomes of \$100,000 and over being about 5,526.

The latest figures available for the number of surtax payers are found in the "Statistics of income" for the year ending December 31, 1919, issued July 12, 1921, by D. H. Blair, Commissioner of Internal Revenue.

From this document it appears that there are 657,659 persons with incomes in excess of \$5,000, and therefore subject to surtaxes. From the same document and from additional information furnished me by the Treasury Department it appears that there are approximately 646,582 persons paying surtaxes on incomes between \$5,000 and \$68,000.

These 646,582 payers of surtaxes were entirely overlooked and ignored in the proposed reduction of surtaxes in the House bill, because they got no reduction on surtaxes in the House bill.

These 646,582 surtax payers were left to bear the burden of war-time surtaxes so that incomes over \$68,000, and particularly incomes over \$100,000, might have greater relief.

The Senate bill gave all a reduction. It thus not only remedied this neglect of 646,582 surtax payers by giving them the reduction shown in the tables which I shall insert in the RECORD, but the Senate bill also made greater reductions than the House bill in surtax rates on all incomes between \$68,000 and \$86,111.11, on which last-mentioned income the surtax is the same in the House and the Senate bill.

The consummation of this reduction in the House on November 17 is characterized in some quarters as demagoguery.

The Senate bill also greatly reduced the surtaxes as compared with the old law on the larger incomes.

The table hereinafter printed, marked Exhibit A, shows the reduction to taxpayers having incomes between \$6,000 and \$68,000 by the adoption of the Senate surtax rate of 50 per cent:

#### EXHIBIT A.

Saving to taxpayers as the result of fight in the House for 50 per cent surtax on incomes over \$200,000.

Taxpayers having incomes as listed below were saved the following amounts in the House as the result of the adoption of the 50 per cent surtax instead of the House provision of 32 per cent on incomes over \$68,000. The figures are for a married man or woman without considering additional exemption for children or dependents.

Income.	Saving in taxes.
\$6,000	\$10
\$7,000	20
\$8,000	30
\$10,000	70
\$12,000	110
\$14,000	150
\$16,000	190
\$18,000	230
\$20,000	270
\$22,000	290
\$24,000	310
\$26,000	330
\$28,000	350
\$30,000	370
\$32,000	390
\$34,000	390
\$36,000	410
\$38,000	430
\$40,000	450
\$42,000	470
\$44,000	490
\$46,000	510
\$48,000	530
\$50,000	550
\$52,000	570
\$54,000	590
\$56,000	610
\$58,000	630
\$60,000	650
\$62,000	670
\$64,000	690
\$66,000	710
\$68,000	730

Had the House surtax rate of 32 per cent prevailed, the above incomes would have had to pay in additional taxes the amounts set opposite.

In addition to the reductions shown in the table marked "Exhibit A," the adoption of the Senate provision made the following additional reductions, as compared with the House bill for the 3,800 incomes between \$70,000 and \$86,000:

Income.	Saving in taxes.
\$70,000	\$730
\$72,000	710
\$74,000	670
\$76,000	610
\$78,000	530
\$80,000	430
\$82,000	310
\$84,000	170
\$86,000	10

The above reductions are manifest from the table which I shall print in the CONGRESSIONAL RECORD, marked "Exhibit B," prepared at my request by Joseph S. McCoy, Government actuary of the Treasury Department.

The extreme right-hand column, under the caption "Saving in taxes," shows the reduction in surtaxes by the Senate rate as compared with the House bill on incomes of \$86,000 and under. The same column under the caption "Increase in taxes" shows increases in surtaxes in the Senate bill over the House bill.

GOVERNMENT ACTUARY, TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, December 9, 1921.

Hon. NICHOLAS J. SINNOTT,  
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: Inclosed herewith is statement showing the saving to taxpayers as the result of the adoption of the revenue act of 1921 with 50 per cent surtax on incomes over \$200,000, as compared with H. R. 8245, as originally passed by the House of Representatives with the maximum surtax rate of 32 per cent.

Respectfully,

JOSEPH S. MCCOY,  
Government Actuary.

## EXHIBIT B.

Saving to taxpayers as the result of the adoption of the revenue act of 1921, with 50 per cent surtax on incomes over \$200,000, as compared with H. R. 8245, as originally passed by the House of Representatives with the maximum surtax rate of 32 per cent.

[The figures are for a married man or woman without considering additional exemption for children or dependents.]

Income.	Normal tax (same in House bill and act of 1921).	Surtax according to bill as originally passed House of Representatives.	Surtax according to revenue act of 1921.	Saving in taxes.
\$6,000.....	\$160.00	\$10.00		\$10.00
\$7,000.....	240.00	30.00	\$10.00	20.00
\$8,000.....	320.00	50.00	20.00	30.00
\$10,000.....	480.00	110.00	40.00	70.00
\$12,000.....	640.00	190.00	80.00	110.00
\$14,000.....	800.00	290.00	140.00	150.00
\$16,000.....	960.00	410.00	220.00	190.00
\$18,000.....	1,120.00	550.00	320.00	230.00
\$20,000.....	1,280.00	710.00	440.00	270.00
\$22,000.....	1,440.00	890.00	600.00	290.00
\$24,000.....	1,600.00	1,090.00	780.00	310.00
\$26,000.....	1,760.00	1,310.00	980.00	330.00
\$28,000.....	1,920.00	1,550.00	1,200.00	350.00
\$30,000.....	2,080.00	1,810.00	1,440.00	370.00
\$32,000.....	2,240.00	2,090.00	1,700.00	390.00
\$34,000.....	2,400.00	2,390.00	2,000.00	390.00
\$36,000.....	2,560.00	2,710.00	2,300.00	410.00
\$38,000.....	2,720.00	3,050.00	2,620.00	430.00
\$40,000.....	2,880.00	3,410.00	2,960.00	450.00
\$42,000.....	3,040.00	3,790.00	3,320.00	470.00
\$44,000.....	3,200.00	4,190.00	3,700.00	490.00
\$46,000.....	3,360.00	4,610.00	4,100.00	510.00
\$48,000.....	3,520.00	5,050.00	4,520.00	530.00
\$50,000.....	3,680.00	5,510.00	4,960.00	550.00
\$52,000.....	3,840.00	5,990.00	5,420.00	570.00
\$54,000.....	4,000.00	6,490.00	5,900.00	590.00
\$56,000.....	4,160.00	7,010.00	6,400.00	610.00
\$58,000.....	4,320.00	7,550.00	6,920.00	630.00
\$60,000.....	4,480.00	8,110.00	7,460.00	650.00
\$62,000.....	4,640.00	8,690.00	8,020.00	670.00
\$64,000.....	4,800.00	9,290.00	8,600.00	690.00
\$66,000.....	4,960.00	9,910.00	9,200.00	710.00
\$68,000.....	5,120.00	10,550.00	9,820.00	730.00
\$70,000.....	5,280.00	11,190.00	10,460.00	730.00
\$72,000.....	5,440.00	11,830.00	11,120.00	710.00
\$74,000.....	5,600.00	12,470.00	11,800.00	670.00
\$76,000.....	5,760.00	13,110.00	12,500.00	610.00
\$78,000.....	5,920.00	13,750.00	13,220.00	530.00
\$80,000.....	6,080.00	14,390.00	13,960.00	430.00
\$82,000.....	6,240.00	15,030.00	14,720.00	310.00
\$84,000.....	6,400.00	15,670.00	15,500.00	170.00
\$86,000.....	6,560.00	16,310.00	16,300.00	10.00
\$88,000.....	6,720.00	16,950.00	17,120.00	1170.00
\$90,000.....	6,880.00	17,590.00	17,960.00	1370.00
\$92,000.....	7,040.00	18,230.00	18,820.00	1560.00
\$94,000.....	7,200.00	18,870.00	19,700.00	1730.00
\$96,000.....	7,360.00	19,510.00	20,600.00	1,090.00
\$98,000.....	7,520.00	20,150.00	21,520.00	1,370.00
\$100,000.....	7,680.00	20,790.00	22,460.00	1,670.00
\$110,000.....	11,680.00	26,790.00	46,460.00	19,670.00
\$150,000.....	15,680.00	32,790.00	70,960.00	18,170.00
\$200,000.....	25,680.00	84,790.00	120,960.00	136,170.00
\$300,000.....	39,680.00	148,790.00	220,960.00	172,170.00
\$500,000.....	79,680.00	308,790.00	470,960.00	162,170.00

<sup>1</sup> Increase in taxes as compared with House bill.

The following table made from the Government actuary's table, printed in the CONGRESSIONAL RECORD October 21, 1921, on page 7352, shows very substantial reduction in surtaxes on incomes of \$90,000 and over by the Senate bill as compared with the old law, and also the reductions that would have been made had the House bill rates prevailed:

Income.	Reduction in Senate bill now the law.	Reduction if the House bill rate had prevailed.
\$90,000.....	\$800	\$1,170
\$100,000.....	1,050	2,720
\$150,000.....	3,050	12,720
\$200,000.....	6,550	24,720
\$300,000.....	16,550	52,720
\$500,000.....	42,550	114,720
\$1,000,000.....	112,550	274,720
\$2,000,000.....	262,550	604,720
\$3,000,000.....	412,550	934,720
\$5,000,000.....	712,550	1,594,720

Inasmuch as it has been repeatedly claimed that the 50 per cent surtax rate is a great obstacle to the sale of railroad trust certificates, the following statement, issued for the press December 2, 1921, by Eugene Meyer, jr., managing director of the War Finance Corporation, showing a recent sale of \$12,842,300 of such trust certificates is of interest, together with the fact

that the railroad refunding bill, designed to facilitate such sales, has been abandoned.

## STATEMENT FOR THE PRESS.

## WAR FINANCE CORPORATION.

December 2, 1921.

Eugene Meyer, jr., managing director of the War Finance Corporation, to-day made the following statement:

"The Director General of Railroads has, with the consent of the President, confirmed additional sales, at par plus accrued interest, of railroad equipment trust certificates now held by the Government, as follows:

To a syndicate consisting of the Guaranty Co. and Potter Bros. & Co., of New York; the Union Trust Co. of Pittsburgh; the First Trust & Savings Bank of Chicago; the Fifth-Third Bank of Cincinnati; and the Union Trust Co. of Cleveland:

Cleveland, Cincinnati, Chicago & St. Louis, 1923 to 1935, inclusive..... \$4,507,100

To the Illinois Trust & Savings Bank, the Merchants' Loan & Trust Co., the First Trust & Savings Bank, and the Continental & Commercial Trust & Savings Bank, all of Chicago:

Delaware & Hudson, 1922 to 1927, inclusive..... \$1,592,400

New York Central, 1925 to 1927, inclusive..... 2,768,100

Chicago & North Western, 1925 to 1927, inclusive..... 1,994,700

Michigan Central, 1925 to 1927, inclusive..... 1,639,200

Chicago, St. Paul, Minneapolis & Omaha, 1922 to 1927, inclusive..... 940,800

Total amount of these sales is..... 8,335,200

12,842,300

"The total amount of equipment trust certificates sold by the Government to date, at par plus accrued interest, is \$132,910,600.

"With reference to the sale of railroad equipment trust certificates to the syndicate of Chicago banks, totaling \$8,335,200, it is interesting to note that the investment demand for these securities, which at first was confined to the eastern territory, is gradually spreading westward. It appears to indicate that the general improvement in money market conditions is following precedent, and is gradually moving westward. It means that there will be a better market for farm mortgages in the not distant future, and that the agricultural sections will soon begin to feel the benefit of improving financial conditions."

The following reprint in the Washington Post of December 13, 1921, of an article from the New York Times shows that the country is not entirely going to the "bowwows" on account of the passage of the revenue bill with the Senate maximum surtax rate of 50 per cent on incomes over \$200,000:

## WHAT OTHER PAPERS SAY.

## THE ACTIVE BOND MARKET.

[New York Times.]

The stock exchange bond sales last month were the largest ever known. They are perhaps doubled by the private sales "over the counter," which are in a larger proportion than usual, with no authoritative figures available. Beyond doubt the country has all the money or credit it needs, the latter being visible in unprecedented, monumental, even excessive amounts. There were just such bond booms in 1898, 1904, 1908, 1915. Even the shortest memories ought to recall such modern instances. It is no task at all to apply their significance to the interpretation of the present situation and outlook. Each of the four bond booms preceding the present followed a collapse in trade, recalled by the significant years 1897, 1903, 1907, and 1914. Also, each of the bond booms preceded revival of prosperity. Money discouraged in trade experiences sought safety, first of all, with such income as might be available while hopes of profit through enterprise were reviving. That is the present stage.

It is not to be expected that there will be forthwith a trade boom to match the bond boom. Trade and bond booms do not travel hand in hand. They move tandem, and each thrives on what is taken from the other. But nothing is lost in the process of the economic parade. There is no discouragement in the fact that money for enterprise is not in such demand as money for investment, and that loans are shrinking even while bank figures show excessive reserves and despite falling discounts. More billions await employment for profit than are now bidding for safety rather than profit. When the bond demand is sated, as some time it will be, there will be really cheaper commercial money, and scanners of the skies for income larger than now is obtainable consistent with safety will then bid for money to put into new industrial enterprises.

Mr. TEMPLE. Mr. Chairman, I yield to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman, if under the rule I were accorded the time I would be glad to follow the argument that has been made by the gentleman from Kansas [Mr. LITTLE]. I understand that he will offer an amendment to include Armenia, and if this bill is to pass by all means his amendment should be adopted.



Forced, then, by lack of time I ask unanimous consent to extend my remarks in the RECORD.

[By unanimous consent Mr. FULMER had leave to extend his remarks in the RECORD.]

Mr. FULMER. I agree with my colleague from South Carolina [Mr. McSWAIN] and call your attention to my remarks along this line in my speech of August 20 on the floor of this House.

Our people are reading and thinking for themselves more than ever in the history of the country, and I believe I am voicing their thoughts and speaking their minds when I say that Congress is too prone to vote taxes upon an already heavily tax-burdened people and that the time is coming when the great masses will rise up and demand more constructive legislation for America and Americans.

Mr. TEMPLE, who introduced this bill, touches a very tender place in my heart when he makes such a forceful plea for starving Russians, and only the strong gripping that I throw about myself when I visualize the actual want that exists in my section, and the positive inability of many of my people to secure cash even for the payment of taxes and interest on loans, makes me withstand that plea. I know those poor people are suffering unto starvation and death and my heart bleeds for them. If my vote touched only myself, God knows I would not hesitate, but would joyfully agree.

At home I have been an active worker and a fairly liberal giver from my own pocket for such causes, and I feel that this should be a personal call; so I feel that I have no authority from my people to vote on South Carolina nearly one-third of a million dollars of additional taxes, when I know that in my district there are those who are not planting wheat and oats because they have not got the money wherewith to pay for the seed, and that the little seed that is allotted me as a Member of Congress for distribution will prove a boon to many families; and when I know that there are those whose property will be sold for taxes and that they can not stand a cent more of taxation; and that a great many do not know where they will get bread from for next year, on account of restricted credits by merchants and banks, caused by the bad financial conditions in the South.

And so, I say, if I were voting for myself only I would unhesitatingly vote for the bill; but, as it taxes additionally those who have no money with which to pay present taxes and buy necessities, be they ever so willing, I must regretfully vote against it. I am strengthened in that decision by the statement from the author of the bill [Mr. TEMPLE], who tells me that the committee will make a point of order against the amendment to include the Armenians, and by the further feeling, gained from the legal argument of the gentleman from Virginia [Mr. MOORE] that the bill is not constitutional.

I hold in my hand a resolution adopted by the South Carolina State Baptist Convention, in session at Greenville a few days ago, heartily approving of the purpose and program of the Near East relief in behalf of starving Armenian children and protesting to our Government against allowing such conditions to exist without protest. I place these resolutions in the RECORD and hope that Members of the House will read them and give them serious thought:

**Resolutions of South Carolina Baptist Convention.**

Whereas the truth of the reported massacres and other atrocities from which the Armenian people have suffered at the hands of the Moslems, and the great destitution resulting therefrom, has been clearly established; and  
Whereas the people of South Carolina are deeply impressed by the deplorable conditions of insecurity, starvation, and misery in which Armenians still continue; and  
Whereas it will be impossible for those people to raise any crops until late next summer, as the Turks have just been driven out; and  
Whereas unless relief continues to come from America (the only civilized nation able to give it), thousands of Armenians will starve and freeze to death this winter; and  
Whereas the Near East Relief is now caring for 110,000 Armenian orphan children and would care for that many more if they had the facilities and the money; and  
Whereas the sole excuse given for the Turks for their barbarity is that for 1,000 years the Armenian Nation has steadfastly refused to renounce Christ and all that he stood for and become Mohammendans: Therefore be it

**Resolved,** That we, the members of the Baptist State Convention of South Carolina, go on record as heartily approving the purpose and program of the Near East Relief to save the lives of orphaned children and secure the release of imprisoned womanhood from Turkish harems and their restoration to their families, with a view to the rehabilitation of these nations; and

That we, the servants of Him who gave a large part of His time to physical ministry, approve and indorse the appeal of the Near East Relief as worthy of the sympathetic cooperation of every individual and organization in our churches; and

That we go on record as protesting to the United States Government against allowing such a condition to exist without protest to the Government of Turkey and making representations to have such outrages against the oldest Christian nation in the world stopped.

M. C. ALLEN, Secretary.

Mr. CONNALLY of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. Mr. Chairman, I have not an opportunity to say all that I would like to, and hence ask permission to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LARSEN of Georgia. Mr. Chairman, for information of Members of the Congress and others concerned, I desire to state that I have to-day introduced a resolution proposing an amendment to the Constitution. If adopted, it will distribute representation among the several States on the basis of citizenship. It will also enable reduction of representation to such an extent that a House of 400 Members would afford approximately the same per capita representation as the present with 435. Such reduction would be made possible in that it would eliminate aliens from consideration in making a basis for representation.

The present method of apportioning representation contained in section 2, Article XIV of amendments to the Constitution, provides that it shall be on the basis of population excluding Indians not taxed.

The term "Indians not taxed" does not mean that Indians are not to be taxed, and are therefore not to be taken into consideration in making an apportionment, but it means that Indians who are not subject to tax, such as have tribal relation, and so forth, are not to be considered in making the apportionment.

It is difficult to ascertain the exact number of aliens residing in the United States at the date of adoption of our Constitution, but it is certain that the number was exceedingly small. The first definite information which I have been able to obtain is disclosed by the census of 1820, some 30 years after the adoption of the Constitution. At that time the population of the United States was 9,639,453, of which number 53,687 were aliens. Thus it will be seen that the percentage of our alien population in 1820 was a little more than one-half of 1 per cent; such a negligible number that framers of the Constitution evidently deemed it a matter of little or no consideration. But with the passing of years it has so increased that it must now be regarded as alarming.

The census of 1920 gives our foreign-born population as 13,920,692—nearly 14,000,000. Of this number only 46.6 per cent are shown to have been naturalized. Thus, it will be seen that according to census of that date 53.4 per cent of our foreign-born population may be regarded as alien. Since date of the last census, and up to June 30 of this year, there had been admitted into the United States 1,489,701 immigrants, making our total foreign-born population on that date 15,410,393, practically 15,500,000.

Between date of last census and September 30 of this year there had been naturalized 283,874, making our alien population on that date 8,633,431. From this it will be seen that while the percentage of our alien population in 1820 was about one-half of 1 per cent, it is to-day more than 8 per cent.

The seriousness of the situation becomes all the more appalling when we consider that to-day our adult population—that is, persons more than 21 years of age—is in round numbers 60,000,000, and of this number more than 10 per cent are alien. They are here among us, assisting in the shaping of our institutions and determining the destiny of this Nation. The vast majority of them are either deemed unfit for citizenship or do not desire it. I submit that the number is so large as to constitute a pending menace to our Government, and should not be considered in fixing our ratio of congressional representation. The present method results in giving undue representation to some States and withholding it from others.

The principle which I now advocate was well recognized in the formation of our Constitution. It is contained in Article I, section 2, paragraph 3, of the Constitution. It was under this provision of the Constitution that representation was made prior to the adoption of the fourteenth amendment in 1868. It reads as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons.

The term "three-fifths of all other persons" included the slave population of the Nation, who were not considered as citizens but were given 60 per cent representation as compared with citizens in fixing ratio for representation.

Under provisions of the fourteenth amendment former slaves were given a citizenship status, and hence were accorded equal consideration with other citizens.

Our slaves were in most cases American born. They owed allegiance to no other country. They knew little or nothing of the form of government in other countries, and as a rule cared less. I submit that their status was such that they were more worthy of consideration in fixing a basis for representation than are the great masses of aliens who are in our country to-day, not for purpose of becoming citizens, but to exploit our industries.

According to the census of 1870, which may be taken as the date of the fourteenth amendment to the Constitution, more than 14 per cent of our population were foreign born. The percentage at this time is about the same, but in 1870 82 per cent of our foreign-born population were citizens, while to-day only about 45 per cent are citizens. In 1870 only 18 per cent of our foreign-born population were aliens; to-day about 55 per cent are aliens. The immigrants of 1870 manifesting a love for our country and its institutions were naturalized and became good citizens. Many of them were pioneers of the great West.

I am entering no protest at this time against immigrants or our foreign-born population, but I do protest against foreigners coming into this country and refusing to become citizens. This country should be no asylum for aliens; it should be a home for American citizens.

So far as I am able to ascertain, similar conditions exist in no other country of the civilized world. Let us compare the alien population of a few countries:

1. United States, 8,633,421 (more than 8 per cent). Excluding those who have taken out first papers, it is more than 6½ per cent.
2. France, 1,415,128 (3.7 per cent—0.037).
3. Great Britain, 809,569 (a little more than seven-tenths of 1 per cent—0.0072).
4. Belgium, 28,242 (a little more than three-tenths of 1 per cent—0.0036).
5. Italy, 79,756 (a little more than two-tenths of 1 per cent—0.0021).
6. Japan, 20,793 (three-hundredths of 1 per cent—0.0003).

I have been unable to get the percentage in either Russia or Germany, but Russia is very small and Germany is about the same as that of France.

At my request the Census Bureau has prepared an apportionment of congressional representation on the basis of population, excluding aliens, persons whose citizenship is unknown, and Indians not taxed. The calculation is made upon an assumed House membership as follows: 400, 410, 435, 460, and 483. Incorporated in my remarks will be found the tabulation of figures submitted by the Census Bureau, from which it will be seen that a House with a membership of 400 will afford per capita representation of 245,524. This is about the same per capita representation that would be given under the present system with a House membership of 435. It will be seen that a membership of 435, apportioned in accordance with the method which my plan suggests, would decrease the representation of only eight States. Two of these would be reduced by the present method, assuming an apportionment upon the basis of 435.

I trust the Members will consider the suggested plan, and feel sure that, if adopted, it will prove both equitable and beneficial to the entire country.

*Apportionment of 400, 410, 435, 460, and 483 Representatives on the basis of population after excluding aliens, persons whose citizenship is unknown, and Indians not taxed.*

State.	Population, excluding aliens, etc. •	Ratio: 245,524.			Ratio: 238,446.		
		400			410		
		Number of Repre- sentatives.	Gain.	Loss.	Number of Repre- sentatives.	Gain.	Loss.
			Compared with pres- ent House.			Compared with pres- ent House.	
United States.....	97,798,314	400	1	36	410	4	29
Alabama.....	2,339,206	10			10		
Arizona.....	241,148	1			1		
Arkansas.....	1,745,908	7			7		
California.....	2,072,634	12	1		12	1	
Colorado.....	884,761	4			4		
Connecticut.....	1,146,997	5			5		
Delaware.....	211,507	1			1		
Florida.....	932,571	4			4		
Georgia.....	2,888,180	12			12		
Idaho.....	414,677	2			2		
Illinois.....	5,941,752	24		3	25		2
Indiana.....	2,845,413	12		1	12		1
Iowa.....	2,334,620	10		1	10		1
Kansas.....	1,720,748	7		1	7		1
Kentucky.....	2,404,696	10		1	10		1
Louisiana.....	1,768,002	7		1	7		1
Maine.....	702,968	3		1	3		1
Maryland.....	1,398,498	6			6		
Massachusetts.....	3,223,129	13		3	13		3
Michigan.....	3,281,829	13			14	1	
Minnesota.....	2,227,282	9		1	9		1
Mississippi.....	1,786,070	7		1	7		1
Missouri.....	3,325,283	14		2	14		2
Montana.....	509,101	2			2		
Nebraska.....	1,237,950	5		1	5		1
Nevada.....	66,263	1			1		
New Hampshire.....	389,833	2			2		
New Jersey.....	2,784,319	11		1	11		1
New Mexico.....	329,972	1			1		
New York.....	8,771,797	36		7	37		6
North Carolina.....	2,555,304	10			11	1	
North Dakota.....	609,563	2		1	3		
Ohio.....	5,388,469	22			23	1	
Oklahoma.....	2,007,996	8			8		
Oregon.....	733,471	3			3		
Pennsylvania.....	7,924,687	32		4	33		3
Rhode Island.....	511,484	2		1	2		1
South Carolina.....	1,680,385	7			7		
South Dakota.....	605,695	2		1	3		
Tennessee.....	2,330,338	9		1	10		
Texas.....	4,876,931	18			18		
Utah.....	423,789	2			2		
Vermont.....	328,956	1		1	1		1
Virginia.....	2,292,663	9		1	10		
Washington.....	1,229,730	5			5		
West Virginia.....	1,416,718	6			6		
Wisconsin.....	2,427,417	10		1	10		1
Wyoming.....	179,574	1			1		



Apportionment of 400, 410, 435, 460, and 483 Representatives on the basis of population after excluding aliens, etc.—Continued.

State.	Ratio: 224,338.			Ratio: 212,023.			Ratio: 202,440.		
	435			460			483		
	Number of Represent- atives.	Gain.	Loss.	Number of Represent- atives.	Gain.	Loss.	Number of Represent- atives.	Gain.	Loss.
		Compared with pres- ent House.			Compared with pres- ent House.			Compared with pres- ent House.	
United States.....	435	12	12	460	30	5	483	49	1
Alabama.....	10			11	1		12	2	
Arizona.....	1			1			1		
Arkansas.....	8	1		8	1		9	2	
California.....	13	2		14	3		15	4	
Colorado.....	4			4			4		
Connecticut.....	5			5			6	1	
Delaware.....	1			1			1		
Florida.....	4			4			5	1	
Georgia.....	13	1		14	2		14	2	
Idaho.....	2			2			2		
Illinois.....	27			28	1		29	2	
Indiana.....	13			13			14	1	
Iowa.....	10		1	11			11		
Kansas.....	8			8			8		
Kentucky.....	11			11			12	1	
Louisiana.....	8			8			9	1	
Maine.....	3		1	3		1	3		1
Maryland.....	6			7	1		7	1	
Massachusetts.....	14		2	15		1	16		
Michigan.....	15	2		16	3		16	3	
Minnesota.....	10			11	1		11	1	
Mississippi.....	8			8			9	1	
Missouri.....	15		1	16			16		
Montana.....	2			2			2		
Nebraska.....	6			6			6		
Nevada.....	1			1			1		
New Hampshire.....	2			2			2		
New Jersey.....	12			13	1		13	1	
New Mexico.....	1			2	1		2	1	
New York.....	39		4	41		2	43		
North Carolina.....	11	1		12	2		13	3	
North Dakota.....	3			3			3		
Ohio.....	24	2		25	3		27	5	
Oklahoma.....	9	1		9	1		10	2	
Oregon.....	3			3			4	1	
Pennsylvania.....	35		1	37	1		39	3	
Rhode Island.....	2		1	2		1	3		
South Carolina.....	7			8	1		8	1	
South Dakota.....	3			3			3		
Tennessee.....	10			11	1		11	1	
Texas.....	20	2		21	3		22	4	
Utah.....	2			2			2		
Vermont.....	1		1	2			2		
Virginia.....	10			11	1		11	1	
Washington.....	5			6	1		6	1	
West Virginia.....	6			7	1		7	1	
Wisconsin.....	11			11			12	1	
Wyoming.....	1			1			1		

Mr. VESTAL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SMITH of Michigan. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of these gentlemen?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for nine minutes.

Mr. FESS. Mr. Chairman, I think that the debate has made very clear the fear that some Members have of setting a precedent here which might prove injurious to us or embarrassing. I have been making an effort to find out why the bill does not limit the appropriation or the application of the funds to that portion of Russia that suffers from what under the law would be called an act of God. I have talked with some who will be responsible for the administration of it, and have been told that the purpose of the measure is to limit it to that particular area. I can find no reason, and none has yet appeared, why it is not so limited in the terms of the bill. I shall offer an amendment to so limit its application.

There is no question about our right, if we follow precedent, to assist suffering people in our own country. That has been done over and over again, always with the plaudits of the people. There is no question either, if you measure it by what we have done, as to our authority to assist people outside of our own country where the injury occurred by some great holocaust for which nobody was responsible, such as in the case of the serious earthquake which took place in the memory of all of us. This was a catastrophe that could not be avoided. Not only did we at that time vote an appropriation for assistance, but we voted an appropriation to be used for the construction of houses

in that stricken country. The question was raised at that time in respect to our right under the Constitution to do that; it went through with very little objection.

I do not think anybody would seriously question our right, although I admit that it is a close question, to succor a population in some particular section of the world that is suffering because of what under the law we would call an act of God. I limit the benefit to that category. When we have presented to us the actual facts that are taking place over in the Volga country, it would take a heart of stone to close up our sympathy, or even to reduce it to a point where we would feel free to vote against such a measure if we protect the country against all sorts of claims for such succor. I am told that thousands upon thousands of children in this Volga region have been abandoned to die by parents who could not feed them. The most gruesome, unspeakable, indescribably serious condition that anyone can imagine is taking place over there, and it seems to me that we are not straining even the constitutional point to grant relief to those people. I respect very greatly, as do all Members on the floor of the House, the opinion of our good friend from Virginia [Mr. MOORE]. Yet it seems to me that with the situation as it is and with the precedents that we have before us, situations similar in character but nothing like it in degree, that we should not hesitate very long about voting some succor to these people under the limitation I have presented. For I do think that it will be in order to seriously consider whether this assistance is to be indiscriminate in regard to all of the people or to the people who might be suffering in any section of either Russia or Europe. I think that is a serious situation.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. CHANDLER of New York. The distinguished member of the committee from Illinois [Mr. SABATH] tells me that in the course of the hearings Mr. Hoover suggested it would be limited to the Volga Valley, but that that suggestion was rejected, and that in the framing of the bill it was so that the assistance should be extended to the whole of what was formerly the Empire of Russia, wherever the area shows a distress and that need is necessary.

Mr. FESS. If I knew that this relief is not to be limited, but to be administered without regard to the people or how they came to this situation, I would vote against it for that reason. If you open the door wide to the assistance of any portion of the population now suffering, from whatever source the suffering may come, there is absolutely no limit as to where we are going. If we here propose to salvage all Europe it is necessary to succor our own suffering first.

Mr. CHANDLER of New York. Suppose that in the Republic of Georgia, or a little Christian republic like the Republic of Armenia, children are being abandoned by their parents, also in the Republic of Lithuania, not any one of them parts of the Volga Valley and not now parts of the Russian Empire, would the gentleman deny assistance to them upon geographical grounds?

Mr. FESS. I would answer that when the bill was presented to take care of those specific places. I would want to go into it and see first the condition and why.

Mr. CHANDLER of New York. May I suggest that no such bill will ever be brought in.

Mr. FESS. Here is the difficulty. There is no time in the world when there is not suffering, and your plea would see no end to our calls from the Old World.

The CHAIRMAN. The time of the gentleman from Ohio has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the President is hereby authorized, through such agency or agencies as he may designate, to purchase, transport, and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Grain Corporation, a sum not exceeding \$20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Several gentlemen rose.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas: At the end of the paragraph add the following amendment:

*Provided,* That the President shall report to Congress on or before the first Monday in December, 1922, a report of the expenditures and operations of such agents or agencies as he may designate hereunder, and a report as to the disposition by the American Relief Administration in Russia of the food and grain and money which may be given under the control of said administration by reason of this act.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to modify the amendment so that the word "report" will not appear twice and use the word "make" the first time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as will be reported by the Clerk.

Mr. CONNALLY of Texas. Mr. Chairman, I do not care to discuss this amendment at length—

Mr. MCKENZIE. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman from Texas has not been recognized yet. The Clerk will report the modified amendment.

The Clerk read as follows:

*Provided,* That the President shall make report to Congress on or before the first Monday in December, 1922, an account of the expenditures and operations of said agency or agencies as he may designate, etc.

The CHAIRMAN. Is there objection to the modification?

Mr. TEMPLE. I would like to hear the whole text instead of "et cetera."

The CHAIRMAN. The Clerk will report the entire amendment as modified.

The Clerk read as follows:

*Provided,* That the President shall make report to Congress on or before the first Monday in December, 1922, an account of the expenditures and operations of said agency or agencies as he may designate hereunder, and a report as to the disposition by the American Relief Administration in Russia of the food and grain and money which may come under the control of said administration by reason of this act.

The CHAIRMAN. Is there objection to the amendment suggested by the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, I do not care to discuss the amendment except—

Mr. STAFFORD. Will the gentleman yield?

Mr. CONNALLY of Texas. In a moment—except to say that in an expenditure involving this large amount it seems to me that it is proper that Congress should have some report as to the expenditures of the fund which we appropriate. I yield to the gentleman.

Mr. STEENERSON. Mr. Chairman—

Mr. STAFFORD. Mr. Chairman, I make the point of order the gentleman has yielded to me.

Mr. CONNALLY of Texas. I understand I still have the floor.

The CHAIRMAN. The gentleman from Texas still has the floor.

Mr. STAFFORD. The bill authorizes the President to use any agency or agencies that he may designate. The President is not limited—

Mr. CONNALLY of Texas. My amendment covered that. I say, "such agency or agencies as he may designate and also the American Relief Commission."

Mr. STAFFORD. I thought the amendment only required an accounting from the American Relief Commission.

Mr. CONNALLY of Texas. I will yield the floor.

Mr. TEMPLE. I have no objection to the passage of that amendment.

Mr. MCKENZIE. Mr. Chairman, I desire to offer an amendment as a substitute to the amendment of the gentleman from Texas.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered as a substitute for the amendment offered by the gentleman from Texas [Mr. CONNALLY], as follows: Strike out the period at the end of the printed bill and insert "such designated agency or agencies shall report to the Congress not later than June 30, 1922, giving an itemized statement showing the character and quality of products purchased, from whom purchased, and the price paid therefor, and also the amount paid for administration of said fund and the name of the persons to whom paid."

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order upon the amendment that it is not germane to the amendment to which it is proposed as a substitute. Very briefly. The bill, of course, puts this fund absolutely under the control of the President. We know, of course, that the President will use some agency in carrying it out. Now, the amendment of the gentleman from Texas provides in accordance with the bill itself that the President shall report. The gentleman eliminates the President and requires that the agency or agencies shall report. It does not seem to me it is germane to the amendment of the gentleman from Texas.

The CHAIRMAN. The proposition, as the Chair understands it, is that the gentleman from Illinois [Mr. MCKENZIE] suggests an amendment which will carry a report upon the transaction. Because a different method of making the report is suggested in the amendment to the amendment it does not occur to the Chair that that makes it not germane, and the point of order of the gentleman from Tennessee is overruled.

The question is on the amendment offered by the gentleman from Illinois by way of a substitute to the amendment offered by the gentleman from Texas.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Chairman, I do not think it is customary when provision is made for an expenditure of Federal funds for independent activities and by organizations which have no official connection with the Government to require them to submit reports to the Congress. It is ordinarily the custom that those agencies and organizations make report to some executive branch of the Government, and we require the executive branch, or the executive head of some department or independent establishment of the Government, to submit a report to the Congress, and it would seem to me that inasmuch as this act authorizes the President to make these expenditures and conduct these activities through such agencies as he may designate, that when he selects the agency he should require them to report to him what has been done, and that he or some executive official should have the duty of reporting to the Congress. But we have no knowledge as to what society or organization there may be in Russia. It may be some native association over there, and we would hardly expect them to submit a report to the Congress. We ought to look to the Chief Executive or some of the heads of executive establishments for a report. I think it would be wiser if we followed that practice in this case, as we have done it in nearly every case that I can recall.



Mr. McKENZIE. Mr. Chairman, may I have just a moment?  
Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, I suppose there is no man living who does not sympathize with distress, and certainly nobody—

Mr. STEENERSON. Mr. Chairman, how is it that general debate is now in order? I have offered an amendment to the bill itself, and I make the point of order that the amendment of the gentleman from Texas [Mr. CONNALLY] and the substitute of the gentleman from Illinois [Mr. McKENZIE] will constitute, if adopted, an independent section to the bill, whereas my amendment is a change in the language of the bill itself, and therefore we should perfect a paragraph that is in the bill now before we add anything new to it.

The CHAIRMAN. The gentleman from Minnesota will be duly recognized.

Mr. MADDEN. Mr. Chairman, I was about to say that nobody in the world sympathizes with distress more than I do, but I think if we will look about us, all over the land in which we live, we will discover a vast amount of distress that ought to be relieved. It is unfortunate that the conditions which are sought to be relieved by this bill exist, but they exist everywhere throughout the world.

Mr. COCKRAN. Will the gentleman yield for a moment?

Mr. MADDEN. I have only a minute.

Mr. COCKRAN. Is there any such condition as this anywhere else in the world?

Mr. MADDEN. Well, I refuse to yield.

I do not believe it is within the constitutional province of the Congress of the United States to take the money of the American people and give it to any other people in the world. [Applause.] It is hard to come on the floor of the House and say that we are not willing to contribute to the well-being of people who are suffering in other nations. But part of the people are suffering at home, everywhere. It is easy for us by our votes to make a charge upon the backs of the American people by voting \$20,000,000 one day and \$50,000,000 another, to give to somebody else.

You charged the Appropriations Committee of the House, the members of which are your servants, with a program of economy. You said that economy should be the order of the day and that the taxpayers of America must be relieved to the extent that economy will relieve them. And while we are, as your servants, the members of the Appropriations Committee, sitting from 9 o'clock every morning until 9 o'clock at night trying to find ways to economize and reduce expenses and have these reductions in expense reflected in the tax rate that is now being levied upon the backs of the American people, you are coming into the House and spending millions where we are saving dollars. Do we hope by this method to be able to reduce the cost of government? I do not believe we can; and, for myself, I wish I could say what I know to be the facts. I would not dare say it, but I do know of conditions in America that would appall the Congress and the people if they dared to be told. Knowing them as I do—

Mr. COCKRAN. Why should we not know?

Mr. MADDEN (continuing). From confidential information given to me I can not see my way to vote a dollar out of the Treasury of the United States to be paid for any purpose that does not mean a relief to the conditions of the people in the Nation which we are sworn to serve.

Ah, many good people in America, kind-hearted, sympathetic, will pass resolutions—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. They will pass resolutions appealing to our sympathies. It is easy for us to extend that sympathy if it does not cost us personally any money. I would be willing to contribute my share personally to a fund to relieve the people of Russia, but I am not willing to vote out of the pockets of the American people a single dollar under the conditions that I know exist in America for expenditure in any place else in the world. And I hope this bill will not be passed. [Applause.]

Mr. STEENERSON. Mr. Chairman, I desire to oppose the amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota and he will proceed.

Mr. STEENERSON. Mr. Chairman, it should be borne in mind that the people for whom this relief is intended are not to blame for their sad plight. The calamity that has overtaken the people of the Volga region is of such severity and magnitude as

make a strong appeal to the sympathies of the people of the whole world. The American people have voluntarily contributed large sums for the relief of suffering people in distant parts of the world, and they are thankful that they have been able to do so. We are praying and striving for an era of peace and good will among the people of the world and this effort to relieve distress in Russia will be but an evidence of our faith in the future of civilization.

I am opposed to this bill in its present form because it does not appropriate the money out of the Treasury but out of the funds of the United States Grain Corporation, the net profits of that corporation for handling part of the wheat crop of the farmers in 1919. The Grain Corporation was simply a trustee for the wheat raisers to sell and handle that wheat and the profit arising from that operation is justly and equitably the property of the wheat raisers of the United States. And if you want to dispense charity to the people of Russia, at public expense, why not appropriate it out of the Treasury? Why not let all the people bear this burden?

Here is the situation: There are thousands of wheat growers in the Northwest who did not get back the seed they planted last year or the year before. Somebody has got to relieve them. Why should not the money derived from the net profits of the Grain Corporation, handling the wheat, primarily be devoted to that purpose and not be devoted to helping outside people? [Applause.] If you are going to be generous, why should you not be generous to all the people? [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CLARKE of New York. Mr. Chairman, I ask that the gentleman be given five minutes more.

Mr. STEVENSON. I ask unanimous consent, Mr. Chairman, that the gentleman from Minnesota may have five minutes more.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. STEENERSON. The government of Russia has spent millions for propaganda to overturn the Government of the United States. They are the enemies of our institutions. Here is a gentleman representing the great State of New York; he is the only Socialist in this body and the only native of Russia, and therefore he ought to be considered as speaking for these people. [Applause.] In his speech on the rule to consider this bill, among other things, he said:

Without the authority of Congress and without the consent and against the will of the American people our own Government conducted war upon the Russian people. The appropriation of \$20,000,000 to aid the famine-stricken people of the Volga region will be a very poor atonement, indeed, for the sins we have committed and are committing against the Russian people.

In his view this relief is not something for which the people of Russia should be grateful; it is only an atonement for the sins we have committed against them, and a very poor atonement at that. If any reason can be urged against granting this relief, the gentleman from New York [Mr. LONDON] certainly has found it. The American people are not willing to acknowledge that they have wronged Russia or that they ought to give either an effective or a poor atonement for what they have done. [Applause.] I think the gentleman from New York [Mr. LONDON] has rendered the people of his native land a very poor service, for if any significance is attached to his words, this bill would be overwhelmingly defeated. In claiming that the United States of America waged war on the people of Russia the gentleman must refer to the American Expeditionary Force to northern Russia, and, second, to the American Expeditionary Force to Siberia in the year 1918. It should be remembered that before either of these expeditionary forces were launched Russia had deserted her allies in the war and made a treaty with Germany at Brest-Litovsk.

On page 23 of the report of the Secretary of War for the year 1919 the following reference is made to this expedition:

The mission of this expedition, according to instructions prepared by the United States ambassador to Russia, was as follows:

"As the Government of the United States sees the present circumstances, military action is possible in Russia now only to render such protection and help as is possible to steady any efforts at self-government or self-defense in which the Russians themselves may be willing to accept assistance, whether from Vladivostok or from Murmansk and Archangel. The only present object for which American troops will be employed will be to guard military stores which may subsequently be needed by the Russian forces, and to render such aid as may be acceptable to Russians in the organization of their own self-defense. With such objects in view, the Government of the United States will cooperate with the Governments of France and Great Britain in the neighborhood of Murmansk and Archangel."

The forces under Col. Stewart remained in north Russia from September, 1918, to June, 1919. During this time they occupied various

positions along the Vologda Railroad and the Onega, Dvina, and Vaga Rivers, and engaged in many minor operations against enemy forces. The following is the list of casualties in this force:

Killed in action	109
Died of wounds	35
Died of disease	81
Died of accident and other causes	19

Total deaths	244
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Wounded	305
Taken prisoner (all released)	4

Total casualties	553
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After the armistice was signed it was impossible to remove this detachment owing to the climatic conditions which forbade the movement of large bodies of troops or large amounts of supplies. In April, 1919, Brig. Gen. W. P. Richardson arrived at Archangel and took command of all troops of the American Expeditionary Forces in north Russia. The One hundred and sixty-seventh Company, Transportation Corps, came at the same time, but was stopped at Murmansk in order to cooperate with the One hundred and sixty-eighth Company, Transportation Corps, which had arrived in March, 1919, and was then engaged in construction on the Murmansk Railroad. During the month of June, 1919, all the forces of the United States were withdrawn, except a small detachment of Engineers. In September the last personnel of the American forces in northern Russia were en route to the United States.

It will be noted that the object of the expedition was to help the Russian people and to guard military stores and render such aid as may be acceptable to Russians in the organization of their self-defense.

In regard to the Siberian Expeditionary Force, the report says:

During the summer of 1918 the Czechoslovak armies operating in Siberia were threatened with destruction by hostile forces, apparently organized by and often largely composed of enemy prisoners of war. It was of importance to the Government of the United States that these friendly Czechoslovak forces be rendered assistance and that the Russian people be aided in every way acceptable to themselves in any and all efforts to regain control of their own affairs and their own territory.

This force was to save the Czechoslovak armies from destruction by the forces organized and largely composed of enemy prisoners of war.

What justification has the gentleman from New York [Mr. LONDON] to describe this action on the part of the American Government as a war upon the Russian people? What right has he to say that it was without any authority of Congress and without the consent and against the will of the American people? If he had said that during the war, he would have been amenable for seditious and treasonable conduct, and it is an insult to the whole Nation and a reflection upon the 596 brave boys, some from my State and some from the State of Michigan and other States, that fell, many of them, who fought and were wounded and died on the battle fields of Russia for the sake of the Russian people.

We had millions, if not billions, of war supplies which, if it had not been for the protection given them by our soldiers and the soldiers of the Allies, would have fallen into the hands of the enemy. This is the reward that we get from him for having our soldiers bleed and die on the battle field in the interest of the Russian people.

I am opposed to this bill for the reason that if you want to appropriate money, you should appropriate it out of the Treasury, and not out of the profits derived from handling the farmers' wheat. That belongs to them. We propose to resort to it whenever it is necessary to furnish seed to the farmers themselves. [Applause.] It should be established as a revolving fund to aid farmers who either by rust, flood, drought, hail, or other unavoidable cause lose their crops in the future.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McKENZIE. Mr. Chairman, in offering the substitute that I offered a few moments ago to the amendment offered by the gentleman from Texas [Mr. CONNALLY] I had only one thing in mind, and that is that I feel that this legislation is perhaps questionable, and it seems to me prudence requires that we ought to have a report to Congress. The criticism of the gentleman from Massachusetts of my amendment leads me to believe that perhaps it is not in just the proper form. Therefore I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

Mr. MONDELL. Mr. Chairman, I offer the following as a substitute for the amendment of the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Wyoming offers a substitute for the amendment proposed by the gentleman from Texas. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MONDELL as a substitute for the amendment offered by Mr. CONNALLY of Texas: "That the President shall, not later than December 31, 1922, submit to Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him under the authority of this act."

Mr. MONDELL. Mr. Chairman, I think that is in the usual form.

Mr. CONNALLY of Texas. Mr. Chairman, in view of the fact that the amendment offered by the gentleman from Wyoming is a little more particular and requires a little more exactness, I accept his amendment. I ask leave to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

Mr. MONDELL. I offer my amendment as an amendment to the bill, at the end.

The CHAIRMAN. As an original section?

Mr. MONDELL. Yes.

Mr. TEMPLE. Mr. Chairman, I will accept that amendment. We can vote upon it without further delay.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: On page 1, after the word "act," strike out the period and insert a comma and the language "that the President shall, not later than December 31, 1922, submit to Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him under the authority of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Michigan: Following the amendment just adopted, insert "Provided, That the commodities above enumerated and purchased shall be transported to their destination in vessels of the United States, either those privately owned or those owned by the United States Shipping Board."

Mr. TEMPLE. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. LITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 1, line 6, after the word "Russia" insert "and Armenia."

Mr. TEMPLE. Mr. Chairman, I make the point of order against that amendment that it is not germane to the bill.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that the amendment is not germane to the bill. Does the gentleman desire to be heard?

Mr. LITTLE. Will the gentleman in charge of the bill reserve his point of order and give me an opportunity to present my amendment?

Mr. TEMPLE. I ask for a decision on the point of order.

There is a very long line of decisions supporting the point of order I have made. If the gentleman will refer to Rule XVI, section 7, in the last sentence of that section, he will read that—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Mr. LITTLE. Will the gentleman yield right there?

Mr. TEMPLE. No; not until I finish my statement. On the next page of the manual, page 340, it is stated that—

In determining whether or not an amendment be germane, certain principles are established.

(a) One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane:

To a bill proposing the admission of one Territory into the Union, an amendment for admission of another Territory.

Citing Hinds' Precedents, section 5529:

To a bill for the relief of one individual, an amendment proposing similar relief for another.

Hinds' Precedents, volume 5, sections 5826-5829:

To a resolution providing a special order for one bill, an amendment to include another bill.



Hinds' Precedents, volume 5, sections 5824-5836:

To a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth.

Hinds' Precedents, volume 5, section 5832:

The fact that there is a relationship or similarity between the two does not make germane an amendment bringing in another subject.

The CHAIRMAN. The Chair is ready to rule. The provision under which this objection is made is stated in the rule of the House as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

It is sometimes difficult for the Chairman to decide what is the subject under consideration. In this particular case the Chair hardly thinks there can be any question about that matter. The question is the relief of the people in Russia. The proposition is not a proposition for the relief of starving people generally. If Armenia could be inserted, so could China or any other country. Under the decisions of previous Chairmen there has been no difference with regard to this class of propositions. Clearly it comes under the rule of all this class of precedents that one individual proposition may not be amended by another individual proposition, even though the two belong to the same class. The Chair will not take the time to read them; they are set out in extenso in the Manual. There is no doubt whatever in the mind of the Chair that it falls within both the rule and the line of precedents, and the point of order is sustained.

Mr. LITTLE. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kansas appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained as the judgment of the committee.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "purchase," insert "in the United States and" and strike out the comma after the word "purchase."

Mr. TEMPLE. Mr. Chairman, we have no objection to the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, it is not necessary to say much in support of this amendment. It is apparent to everybody who has been in the House very long that it is a desirable amendment. It simply provides that the grain shall be purchased in the United States. I think we will all agree that it ought to be, and I have no doubt the authorities will do so, but it will do no harm and certainly do a good deal of good to express in the bill the idea of Congress that it ought to be done. By adopting this amendment there will be no question about it, and under the amendment offered by the gentleman from Michigan [Mr. SCOTT] the grain will be shipped in American ships. No doubt it will do Russia good and incidentally do us a great deal of good. [Applause.]

Mr. CLOUSE. Mr. Chairman and gentlemen of the committee, I rise in opposition to the amendment just offered and oppose its adoption for the same simple reason that I am opposed to the bill in its entirety. It is needless for me to say that the picture presented and the appeal that has been made in behalf of the starving men, women, and children of the valley of the Volga is such as touches the chords of sympathy in the bosom of every true American; but, sirs, while our hearts throb with compassion for them in this their hour of want and woe let us not forget that there is involved a constitutional question deserving the most careful consideration of this body, and one which when weighed in calmness and deliberation drives us irresistibly to the conclusion that duty requires, and fidelity demands, the denial of this relief in the manner proposed.

The Constitution of this glorious Republic, the bulwark of our civil and religious liberty, the foundation upon which we have built the greatest nation known to civilization, forbids me as a Representative in the Halls of this sacred Chamber from imposing burdens of taxation upon American citizens except in such cases and in such manner as is expressly provided by the terms thereof. Adherence to the provisions of its mandates is regarded of such importance as that no man can enter upon the legislative duties of a Representative until he has first taken and subscribed to an oath to support and defend it against all enemies both foreign and domestic.

Mr. Chairman, when I came to this House as a Member I stood in the well of this Chamber and, with uncovered head and uplifted hand, declared in the presence of Almighty God and my fellow man that I would faithfully discharge the obliga-

tions of that oath to the best of my skill and ability, and that I pledge, so help me God, I shall never—no, never—betray. [Applause.]

The agony and distress of this people may be in a large measure attributed to their own indolence, indifference, and socialistic tendencies, yet I should hesitate to say that this of itself is sufficient to withhold relief, but the thing that I do want to make myself emphatic and clear upon is that whatever relief the American people desire to extend them should be voluntary on their part. I challenge the right of any Member of this body to levy taxes upon the good people of my district to the amount, in the manner and for the purposes proposed, and claim for myself no such right under the Constitution.

The generosity of the American people is traditional, but it seems that some doubt their willingness at this time to part with \$20,000,000 under the showing here made. In my candid judgment your doubts are well founded. "Be just before generous" prompts the American people to relieve the distress of the 4,000,000 brave, patriotic, heroic men and boys, who, under the flag of liberty, bared their breasts to save the civilization of the world, before turning our substance and wealth over to a people, who, of all the people of all the earth, are the most bitter and uncompromising enemies of our free institutions. Thousands, yea tens of thousands, of these brave defenders of Old Glory are slowly but surely dying for lack of gratitude and lack of attention on the part of a Government for the preservation of which they were willing to die. [Applause.]

Ah, but, Mr. Chairman, when these brave boys were carrying the Stars and Stripes in victory over the blood-soaked fields of Flanders; when they were offering themselves a sacrifice upon the altar of war that we might be free; when they were wading the mud and blood of foreign fields of carnage for our sake; when they were paying their last full measure of devotion to country and to flag, the bullet dodger, the grafter, and the profiteer with one acclaim pronounced him "King of hosts," deserving the richest rewards that a grateful nation could bestow, but when he returned to native land, broken in health and in spirit, unable to resume the ordinary vocation of his past life, in need, indeed, of encouragement and assistance, these same grafters and profiteers gazed once more upon their rich stores of grafted wealth, and in avarice proclaimed the Nation too weak and poor to pay a paltry sum to the gallant heroes who saved us in the darkest hours of our national life. Oh, such ingrates may have had the right to graft in war contracts, and wax rich on the sweat and blood of our heroes' dependents, but, I say, with all the emphasis at my command, that God forbids graft on the heroes who went through hell for America. [Applause.]

Let us return now to the original proposition and discuss briefly the constitutional features of this measure. I have listened patiently to the arguments of the proponents of this bill in the vain hope that they might be able to present some ground upon which this appropriation might be justified. It was first intimated that such authority was derived from the general welfare clause of the Constitution. When driven from that contention they seek to justify on the ground that a former Congress, namely, the Sixth-sixth, appropriated from the Treasury of the United States, in 1919 and 1920, \$100,000,000 of the people's money to save the starving hordes of Armenia. I refuse to stultify myself simply because some other Congress has sinned against the Constitution and laws of the United States.

There was never a time in the history of mankind when the commission of a sin became right in the sight of God simply because the transgressor committed the same sin twice. In other words, the commission of two wrongs never did nor never will make a right. We must, therefore, find our justification from some other source, and I prefer to take for my guidance the Constitution itself. The only power given Congress under the general-welfare clause is contained in the following language:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States \* \* \*

By these provisions it is plain to be seen that Congress has no power to levy taxes under this provision, except it be to pay "debts" or to provide for the "common defense" or "general welfare," not of the world but of the United States. No one pretends that we owe a debt to Russia, nor can any man truthfully say that this appropriation will promote our common defense or general welfare. Indeed, if it has any effect the one way or the other it is to weaken our defense in that we are placing at the disposal of the red armies of bolshevik Russia \$20,000,000 worth of grain for food and seed purposes, with which they are enabled to continue to scatter the destructive seeds of socialism even in fair America.

Were it not for the constitutional limitations upon our power I should then have my very grave doubts as to the wisdom of the course which you are about to pursue. We can not overlook the fact that our national debt was increased from 1914 to 1920 by approximately \$22,000,000,000, so that now we have a debt aggregating \$24,000,000,000, which must be paid by ourselves and our posterity. We have multiplied thousands of ex-service men who are utterly unable to earn support for themselves and families. We are confronted with an economic condition due to the almost complete demoralization of the finance of the nations of Europe, which has resulted in the lowering of demands for American products to an extent that thousands of our factories were closed immediately after the war and millions of men were thrown out of employment. We have as a result of all this untold woe and want among our own people, which time alone and strict adherence to policies of economy can alleviate.

We have in this Congress made progress by cutting to the very bone the expenses of government, so that in the next fiscal year we will be able to save to the taxpayers of America more than \$2,000,000,000, but while we have made such a magnificent record in the first nine months of this administration, let us not forget that our first duty is to our own people; that charity begins at home; and that he who fails to provide for his own household is worse than an infidel. I truly hope that you will join with me in defeating this legislation. [Applause.]

Mr. LARSON of Minnesota. Mr. Chairman, I have never been accused, so far as I am aware, of indulging in maudlin sentimentality. I have always tried to keep my emotions under control. It may be I am too stolid, but I am frank to say that this measure appeals to my sympathy. I am not ashamed that it makes such an appeal, for sympathy is that which differentiates the man from the mere animal. I can not hear the cry of agonizing distress that comes to my ears from the starving millions of men, women, and children of Russia without raising my voice in their behalf. [Applause.] My conscience is not supersensitive, but neither is it so callous as to permit me to sit here in silence while others are opposing this humanitarian measure.

I am loath to criticize any of my colleagues, but their opposition to the granting of this relief, which, as is generally conceded, will save from the horrible death of starvation—the most horrible of all deaths—millions of their fellow human beings, is beyond my understanding. As was said by Him in whose name this relief is asked, I say to them: "Father, forgive them; they know not what they do."

It is my sincere conviction that if they should be successful in their efforts to prevent this House from making the necessary appropriation to save these unfortunate people from starvation their action would place an everlasting stigma not only upon this House but upon the entire Nation.

I believe in national economy; I believe in bringing back our country to normalcy; I am opposed to squandering the people's money; but in their zeal for economy the opponents of this measure are going altogether too far. National wealth is good, but human life is sacred. I refuse to follow them. I prefer rather to follow our President and our Secretary of Commerce. Yes; and, I say with all reverence, I prefer to follow Christ.

I thank God that we have in the White House a man whose heart is big enough that it has room in it for sympathy for suffering human beings although they live without the bounds of this country—a man who believes that charity is a universal duty; that the place for charity, like the place of God, is everywhere.

In faith and hope the world will disagree,  
But all mankind's concern is charity.

We were told that we entered the World War not only to defend our national existence, not only to make the world safe for democracy, but to save our Christian civilization. I believe those are the noble purposes that prompted us to spend our treasure and to shed our blood. But let me ask those of you who are opposing this relief measure for reasons of mere economy: Is a nation, the richest in all the world, whose granaries are bulging with grain, a nation in which corn is so plentiful that it is being used for fuel, really a civilized nation if it should refuse to give an infinitesimal portion of that food to prevent the starving of many millions of human beings?

That is not my conception of a civilized nation. A civilized nation, like a civilized man, will share its abundance with the hungry and the starving.

They say we are a Christian nation, that we are followers of Christ. Let me ask you, who are trying to kill this bill, by what token could the American Nation be called Christian if its Congress should refuse to save these unfortunate people from starvation?

Would that be Christianity? Is not charity the very livery of Christ?

Suppose you should succeed in defeating this measure and Christ should come on earth, see these millions of emaciated, hungry, starving people, with gaunt faces, whose children with the bloated "hunger bellies" are dying of starvation, and then come to this land of plenty, this wealthiest land in all the world, and see here our granaries filled with grain, see us burning corn for fuel, what, I ask you, would He say to us?

Would you like to have His scathing denunciation, the utterance of His righteous indignation printed in the Record, to go down in history for the contemplation of posterity?

Methinks I hear Him say: "You call yourselves Christians; you pretend to be My followers; you hypocrites, you worse than the heathen, you do not know what Christianity is, nor what the love of God means. How can you love God, the Father, and refuse to save His children—your brethren—from starvation?"

In my mind's eye I can see the distinguished opponents of this measure slinking away, one after another, from His divine presence, ashamed, mortified, and, I hope, also penitent and with contrite heart, because in their zeal for economy they shackled their hearts and permitted to emanate from their brilliant intellects arguments that brought defeat to this humanitarian and Christian relief measure.

The American people, while they want us to exercise economy in the expenditure of their public treasure, do not want us to be stingy, penurious, and miserly with it, for they are a generous, humane, Christian people. In this very hour they are urging us, their trustees, to respond to the agonizing cry of distress which is so great in its volume that we can hear it here in America, though it emanates from far-off Russia. [Applause.]

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that all debate upon the pending amendment and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman and gentlemen, there seems to be a misunderstanding, I think clearly a misunderstanding, in the mind of my distinguished friend [Mr. MADDEN] and in the mind also of the gentleman from Tennessee [Mr. CLOUSE]. They overlook the fact that this bill proposes that this money shall be taken from the funds of the United States Grain Corporation. The President of the United States is the only stockholder in that corporation, and this money is really, in effect, a part of the profits made by that corporation during the war.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. The money has never been turned into the Treasury, and it does not represent all of the profits made by that corporation, of which the President is the sole stockholder. The bill proposes simply that about \$20,000,000 of what are, in effect, profits, now in the possession of the Grain Corporation, shall be to this extent diverted and not go into the Treasury.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. The Government of England would not ask us to contribute money from this Grain Corporation's funds for the starving poor of England, because England has an organized Government capable of borrowing money. If she can not raise the money by taxation, she can borrow the money to relieve distress in that Kingdom; but in Russia these starving mothers and fathers and children, dying by the hundreds of thousands, have no Government anywhere that can raise a penny to relieve them. Unless the world does something for them, eleven or twelve million will before next spring have starved to death.

Now, let me state the exact question that is before us. The United States Grain Corporation bought grain from American farmers at good prices and sold it at a good profit; and shall we now take a portion of those profits, which have never been turned into the Treasury, which were not extracted from the pocketbooks of the American taxpayer at all, and divert them to this magnificently noble use? There is not, in my judgment, a man in the House who, knowing all of the facts, will object to this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. GRAHAM].

The amendment was agreed to.

Mr. GOODYKOONTZ. Mr. Chairman, I offer the following amendment, which I send to the desk.



The Clerk read as follows:

Amendment offered by Mr. GOODYKOONTZ: Page 1, after the section, add a further provision to be known as section 2, reading as follows:

"That the President be, and he is hereby, further authorized, through such agency or agencies as he may designate, to purchase and distribute to the distressed, needy, and starving people of the United States the necessary food, fuel, and medical supplies necessary to relieve such distressed, needy, and starving people in the United States."

"That the President be, and he is hereby, further authorized to expend out of the funds of the United States Grain Corporation a sum not exceeding \$20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this section of this act."

Mr. TEMPLE. Mr. Chairman, I make the same point of order against that that I did to the amendment offered by the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard?

Mr. GOODYKOONTZ. Mr. Chairman, I desire to be heard briefly only. I regret that the gentleman from Pennsylvania [Mr. TEMPLE] has seen fit to interpose this objection. I can say this, however, that while it may not come within the rules of the House, at least it has the merit of coming within the Constitution of the United States. [Laughter and applause.]

The CHAIRMAN. The point of order is sustained.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 1, line 5, after the word "grain," insert the word "flour."

Mr. NEWTON of Minnesota. Mr. Chairman, a reading of the hearings before the committee reporting out this measure will convince anyone of the terrible situation in the Volga Valley of Russia. Not only thousands, but millions of people will starve to death before the winter is over if relief is not immediately extended. Time, therefore, is of the essence. It has been urged that this is not a matter for the concern of our Government but that it is a matter for private charity. There is not the time for the organizing of a private charity. By the time the necessary funds were collected the people to be benefited would in great measure have died. Let me quote from the President's message the other day:

A severe drought in the valley of the Volga has plunged 15,000,000 people into grievous famine. Our voluntary agencies are exerting themselves to the utmost to save the lives of children in this area, but it is now evident that unless relief is afforded the loss of life will extend into many millions. America can not be deaf to such a call as that.

I am, therefore, in thorough sympathy with this legislation. I do believe, however, that the bill should be amended in one particular; hence the amendment that I have offered.

The purpose of this bill is to relieve the famine-stricken people of Russia. If any benefit inures to the people of America it should be purely incidental. The primary purpose is to benefit these stricken people. The bill, however, is not so drawn. It will be observed that it provides only for the purchase of "corn, seed grain, and preserved milk." The President and his agencies by this bill are not authorized, no matter what situation confronts them, to purchase any other food or commodities. They are restricted to corn, seed grain, and preserved milk. Gentlemen, this is a mistake. There are 15,000,000 people to be cared for. Most of these people have not been used to eating corn. It is true that starving people who are now eating roots can eat corn and nothing but corn. It is true that at the present price of corn more food can be sent to Russia for a given sum if the shipments are restricted to corn. At least that is what the proponents of this measure claimed before the committee. Yet, regardless of what contingency may arise, why should they be denied aught but corn?

It must be borne in mind that corn may not remain at its present price. The purchase by the Government for this purpose of several million bushels of corn will certainly raise the price of corn. Furthermore, with at least portions of these people unused to corn, the way should be left open for the furnishing of wheat flour, at least. Yet, if the bill becomes a law as it is now written, no matter what the exigency, none of this money is available to purchase flour of any kind. This leads one to wonder whether this bill is primarily for the relief of Russia, and if it is not to a great extent for the relief of the owners and holders of large quantities of corn.

I want to read an extract from a letter from a man who has had great experience in European relief work. W. C. Edgar, editor of the Northwestern Miller at Minneapolis. He has been in Europe prominently identified with or in charge of at least three relief expeditions. He was in Russia on a similar mission 30 years ago, and has written me in reference to his experiences, in part, as follows:

In every relief movement of which I have any knowledge strong efforts have been made to ship corn or corn products instead of wheat products. In many instances sincere attempts have been made to use these products for this purpose, because our country has always had

a large supply of corn and was anxious to introduce it abroad as a food product, but I do not know of a single case in which the attempt was successful.

As an instance in point, I recall that during the Russian famine of 1891-92, when I organized and directed a movement to have the millers of the country give a shipload of flour to the peasants, the State of Nebraska generously gave a trainload of corn for our cargo. We accepted the gift, had the corn ground into meal, and put it aboard our ship in New York, the steamer *Missouri*. Into the mouth of each sack we inserted a bill printed in the Russian language, in large type, giving instructions for the preparation of various forms of corn bread, etc. I went to Russia, met the relief ship at Libau, and personally superintended the unloading and distribution of its cargo, traveling through the famine district to investigate the situation.

Mr. Edgar then goes on to say that the Russian was unable to use the corn meal except by the mixing of flour with it.

Mr. Chairman, there is a quality of wheat flour known as second clear which can be purchased to-day at \$28 per ton. This is but a trifle more than the price of corn unground at to-day's prices. It certainly seems to me that this Congress should not so restrict the terms of this bill as to preclude the President, or his agents, from buying such quantities of this low-grade wheat flour as in their judgment may be needed, or as in their judgment it may be found advisable if the price of corn should go up.

Mr. McSWAIN. Will the gentleman yield?

Mr. NEWTON of Minnesota. In just a moment. It seems to me that we ought at least to confer the power upon this agency to buy wheat flour if in their judgment it is needed in any community there for mixture with corn flour or for other purpose, and we ought not to restrict this authorization as to compel only the purchase of wheat and the distribution of wheat. I will yield to the gentleman.

Mr. McSWAIN. On the same argument, would the gentleman not think it would be proper, and I think it would be proper to send a little bacon along to sop the biscuit in also. [Laughter and applause.]

Mr. NEWTON of Minnesota. Bacon is hardly the staff of life and wheat flour is. It seems to me that this bill ought not to be restricted as it is. I hope that the amendment permitting the use of flour will prevail.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. CHINDBLOM. Is there any difficulty in transporting flour overseas?

Mr. NEWTON of Minnesota. Export flour is put in jute bags of 140 pounds, and second clear wheat flour can be transported overseas without any difficulty whatever, whereas corn meal—in fact, you can not ship it except as corn and not as meal.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I wish to ask the gentleman from Pennsylvania in charge of the bill—I obtained the impression that in the hearing before the Committee on Foreign Affairs it was brought out that the intention was, acting under this bill as reported from the committee, to purchase 5,000,000 bushels of seed wheat and 350,000 tons of milk, and that the remainder of the \$20,000,000 would be invested in corn—am I correct in that impression?

Mr. TEMPLE. From three to five million bushels of wheat, 500,000 cases of preserved milk, and what may be possible within the limit of transportation of corn.

Mr. GARRETT of Tennessee. Well, now, may I ask the gentleman, is the wheat that is to be purchased under that to be used as seed wheat or food wheat?

Mr. TEMPLE. Seed grain is the language of the bill—to distribute corn, seed grain, and preserved milk.

Mr. GARRETT of Tennessee. Now, may I ask the gentleman further? The President in his message said this:

Unreservedly I recommend the appropriation necessary to supply the American Relief Administration with 10,000,000 bushels of corn and a million bushels of seed grain.

Now, of course, I assume that the President had specific data upon which he made those specific recommendations.

Now, may I ask the gentleman what testimony there is before the committee to indicate that those recommendations were too low or that they should be increased?

Mr. TEMPLE. Two witnesses particularly who had been sent over to make investigation and return with reports were Gov. Goodrich, of Indiana, and Dr. Kellogg, who went for the relief administration, but neither of whom is now connected with it. Mr. Goodrich has not been connected with it at any time. The conditions they found and described to the committee and the estimates they made of the amounts necessary were sufficient to convince the committee that the amount at first contemplated was insufficient.

Mr. GARRETT of Tennessee. Now, were those gentlemen able to state that they investigated as to the amount of seed grain that would be required?

Mr. TEMPLE. How careful, how minute the investigation was I do not know, but in commune after commune which they visited, after having first learned all it was possible from the general statistics gathered, not only from the central soviet government in Moscow but also from the heads of the so-called independent republics which are federated together and comprise the general soviet government—after securing all these records and statistics they made an investigation of their own in various communes sufficient to convince them that the general statistics were reasonably accurate so far as they could determine. In one commune there were 11 of the grain houses where the people of the commune stored their food for the winter. Nine of them were empty. In another there were eight of the communal grain houses; seven of them were empty and the other not full. Those people are not going to have enough to eat. They will be dead before planting time. It is one of the purposes of this bill to send them enough to keep them alive and send them grain to plant.

Mr. GARRETT of Tennessee. Now, let me ask the gentleman, Did the Secretary of Commerce, Mr. Hoover, have any information about the amount of seed grain required?

Mr. TEMPLE. Yes.

Mr. GARRETT of Tennessee. The Secretary of Commerce, of course, has been food administrator of the world, but did he have any knowledge about the amount of seed grain required? If so, what did he say about it?

Mr. TEMPLE. There will possibly be as the result of the efforts of the soviet government sufficient seed furnished for one-fifth—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I think we are reaching a discussion of the merits of this bill now, and I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TEMPLE. If they received the seed which the soviet authorities expect to send them they would have from that source about one-fifth of their normal planting. It is proposed that the American Relief Administration furnish another one-fifth. It will require from 3,000,000 to 5,000,000 bushels from the Relief Administration, the quantity varying according to the area they attempt to supply, to give the Russian farmer in those areas two-fifths of his normal planting.

Mr. GARRETT of Tennessee. Is the gentleman able to tell us what machinery will be built up to insure that this will be seed grain?

Mr. TEMPLE. The machinery is over there, already organized by the American Relief Administration and the Friends Relief—the Quakers.

Mr. GARRETT of Tennessee. Let me say this: One remark the gentleman made surprised me somewhat, to the effect that the soviet government might have something to do with this.

Mr. TEMPLE. Not with this.

Mr. GARRETT of Tennessee. In what connection in relation to the administration?

Mr. TEMPLE. The soviet government is attempting to afford some relief through its own machinery. The American Relief Administration will not use that machinery at all, because they want the work to be, frankly, under control that they can trust.

Mr. CONNALLY of Texas. If the gentleman will yield?

Mr. TEMPLE. Certainly.

Mr. CONNALLY of Texas. With the exception, however, that the soviet government transports this food.

Mr. TEMPLE. Yes; it is furnishing transportation and furnishing guards, so that after a shipment reaches Russia there will be no charge for transportation.

Mr. GARRETT of Tennessee. Mr. Chairman, I have this feeling about it—and I want to express it frankly—I had the idea that the President, when he made his recommendation as to amount, and being specific in amount, had information from sources that are available to the executive department, and that those recommendations ought to be relied on. Now, I confess, frankly, I was very much astounded when I saw what was an actual change as to amount. The President's recommendation was very specific—a million bushels of seed grain; I presume he meant wheat—and 10,000,000 bushels of corn. Now, that has been changed under the terms of this bill, or under the intentment of this bill, to where they purchase, I believe the gentleman from Pennsylvania stated, from 3,000,000 to 5,000,000 bushels of wheat or seed grain, and so many cases of milk, and then the rest of it to be put in corn. What I am wondering about is whether we really have all the information that we ought to have about it.

Mr. TEMPLE. As I said, the testimony of Gov. Goodrich and Mr. Kellogg and Secretary Hoover—

Mr. GARRETT of Tennessee. Gov. Goodrich and Mr. Kellogg, although they are honorable gentlemen, were simply visitors there and were not there in any official capacity.

Mr. TEMPLE. If the gentleman will allow me, they were sent there for the specific purpose of making that investigation and bringing back a report.

Mr. GARRETT of Tennessee. Sent by whom?

Mr. TEMPLE. By the American Relief Administration. None of the men engaged in the work there was going to come back, inasmuch as they were too busy doing the work. It was thought advisable by the American Relief Administration to send somebody over there, not engaged in that work, to make the investigation, and these were the two men—Gov. Goodrich and Dr. Kellogg.

Mr. GARRETT of Tennessee. I assume the President received the information upon which he predicated his recommendation to Congress from the State Department. Was any information from that department laid before the committee?

Mr. TEMPLE. Nothing direct; but my information is that the President has expressed himself as quite well pleased with the proposed appropriation of \$20,000,000.

Mr. GARRETT of Tennessee. Well, we are all delighted that the President is pleased; but, after all, that is not conclusive.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that the debate on the pending amendment and all amendments thereto close in two minutes.

Mr. BARKLEY rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. To offer an amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. TEMPLE. I was asking unanimous consent, Mr. Chairman, that the debate close in two minutes.

The CHAIRMAN. What was the unanimous-consent request?

Mr. TEMPLE. That the debate on the pending amendment and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the debate on the pending amendment and all amendments thereto close in two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, we are endeavoring to carry out the recommendations of the President, very specific in character, as the gentleman from Tennessee [Mr. GARRETT] has just suggested. The committee deemed it wise to practically double the amount or volume of the relief, but except for a slight departure from the original program in the matter of condensed milk adhered to or intended to adhere to the plan proposed by the President as to seed grain and corn. None of these who appeared before the committee in behalf of this measure has asked for other classes or varieties of foodstuffs, and it would be in my opinion a very great mistake to depart from the original purpose of the measure as proposed by the President and as urged by the 10 men who appeared before the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken, and the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I offer an amendment on line 5, to strike out the word "seed."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BARKLEY moves to amend page 1, line 5, by striking out the word "seed."

Mr. BARKLEY. Mr. Chairman, I desire to call the attention of the chairman of the committee to the reason why I offer this amendment. Under the language of the bill the President is authorized to use this money for the purpose of purchasing corn as food. He is only authorized to purchase grain for seed purposes. I understand that these people need food now, and the gentleman from Pennsylvania [Mr. TEMPLE] confirmed my understanding a moment ago by suggesting that they are starving now, and if they are compelled to wait until seed time and the crop is harvested in order to obtain wheat bread they will continue to starve.

Now, the striking out of the word "seed" does not deprive the President of authority to give them seed grain, but it also authorizes him to have purchased under his direction wheat for food purposes if he thinks it necessary to furnish wheat for food purposes. It strikes me that the word "seed" should not be there because under the terms of the act he could not



buy a bushel of wheat for the purpose of making bread. He will be absolutely limited to the purchase of seed wheat.

I do not know whether the people over there are in the habit of using corn for bread or not, but during the war it was stated that it was not used for food in Europe. Certainly we ought not to limit the President under his authority to have purchased wheat for food if they need wheat for food. I think as long as you spend the \$20,000,000 the President ought to be given discretion to purchase anything that might be needed to prevent starvation. So far as I am concerned, I am perfectly willing to leave the appropriation in his hands to use as he sees fit for the purchase of any kind of food he deems wise to prevent the starvation of those people. If we are to limit it to the purchase of corn and milk as food and only allow him to purchase wheat for seed, I think we shall fail in giving the full measure of relief we contemplate in the passage of this bill. I hope the gentleman will accept this amendment.

Mr. TEMPLE. Mr. Chairman, the fact is that the people of that afflicted district are using the corn that the American expedition has taken over there. They know how to grind it in their local communal mills, and they know how to prepare it for food; those who are using it are flourishing on it. The purpose is to purchase food, the greatest amount of food that can be purchased for a dollar, and more corn can be purchased for a dollar than wheat. We can save more lives with corn with a given expenditure of money. The seed grain is not limited to wheat.

Mr. BARKLEY. If the gentleman will yield, there is no question about that, but ought the commission or the President to be limited in their authority to purchase wheat if they find it necessary?

Mr. TEMPLE. If we do not furnish seed grain, and do not furnish enough to keep the adults alive during the winter to plant that grain next spring, we might as well do nothing.

Mr. BARKLEY. I am in favor of furnishing the seed grain, I will say to the gentleman, but I think in addition to furnishing it for seed, if it is necessary, we should also furnish it for food.

Mr. TEMPLE. It is not necessary to furnish wheat for food if we can send them enough corn.

I ask unanimous consent, Mr. Chairman, that all debate on the pending amendment and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the debate on the pending amendment and all amendments thereto close in two minutes. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, it does not seem to me that there can be any question in the mind of anyone who has given any thought to the import of the pending amendment as to what should be done with it. It ought to be rejected. The money appropriated for those people ought to be used so as to render the largest possible service and furnish the largest possible amount of food. This can be done by buying American corn, which will go further in sustaining human life for the amount invested than any other grain. Seed grain is necessary in order to obtain a harvest next summer, and the word "seed" should remain in the bill and its use confined to the purpose indicated by the measure.

No one can read the pitiful accounts of the starving men, women, and children of the Volga region without going out in sympathy for this most unfortunate people. Had Russia had a decent government her credit would have been ample to have procured the necessary supplies, but that Government has been one of robbery, devastation, and death. It is a black chapter that has been written by Lenin and Trotsky, but let us hope that out of the ashes will arise at last a new government, both stable and just, a government created by the people and responsive to their collective will.

But our concern to-day is not primarily with Russia's form or character of government. There are approximately 20,000,000 people in the Volga region that are in dire need. Men and women are dying by the thousands and children by the tens of thousands for lack of food. Famine is stalking through the land. The Society of Friends (Quakers) are feeding 25,000 and the American Relief Administration will feed 1,250,000 children, but there are millions more who are starving, tens of thousands of whom will perish from hunger unless relief is speedily granted. Private charity is no longer able to cope with the situation. Europe for the most part is bankrupt in resources and apparently unable or unwilling to help. If these people are to be saved, the American Government must step in. Out of our abundance and plenty it is meet that we should aid those in distress, and, above all, that we should bring relief to the unhappy and suffering children of Russia who are dying for want of food.

Throughout the Volga Valley, which for many years has been known as the granary of Europe, there was very little rain during the growing period last summer. The people living there both sowed and planted in ample areas and cared for the crops in their usual husbandlike manner, but there was no harvest. Shall we, because tyrants have gotten possession of their Government and helped spread devastation and death throughout the land, refuse such reasonable aid as our resources will permit? From \$10,000,000 to \$20,000,000 in addition to what private charity will continue to supply will tide these people over till next harvest and also supply the necessary seed grain to enable them to provide against another famine.

We have large quantities of corn and other grains and can feed these people out of our surplus. Arrangements should be made by our Government to purchase these supplies as directly as possible from the producers. Millers and middlemen are busy trying to get Congress to modify this relief bill in such a way as to enable them to dispose of their supplies of flour and other foods. We have no concern with these men in this bill, nor should our gifts be subject to the graft of the profiteers. The money appropriated should be expended in such a manner as to bring the greatest possible quantity of wholesome food supplies to the relief of these stricken people. Corn and milk will fulfill this requirement and can be furnished out of our surplus without raising the cost of living at home. In buying this surplus direct from the American farmer at a reasonable price and sending it to the starving Russians, we shall not only be the means of saving hundreds of thousands of the unfortunate and starving, but shall do much to relieve the hardships of our own farmers, who in many parts of our country have been compelled to burn their corn for lack of a market. [Applause.]

I ask unanimous consent, Mr. Chairman, to extend my remarks in the Record.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was rejected.

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STEENERSON offers the following amendment: Strike out of lines 9 and 10, on page 1, the following words: "Out of the funds of the United States Grain Corporation."

Mr. STEENERSON. Mr. Chairman, you heard the gentleman from Wisconsin [Mr. COOPER] explain that this money that is proposed to be appropriated for the relief of the starving Russians is the result of the profits of the United States Grain Corporation in the handling of the wheat crop of the farmers of the United States.

When the United States Grain Corporation was created it was created for the purpose of aiding the farmers in disposing of this wheat crop, and as a result of that there is a net profit, some say of \$25,000,000, some say of \$20,000,000, some say of \$19,000,000, that is now in its treasury. That, being the result of the operations of this instrumentality of the Government, is in the nature of a trust fund which belongs to the men who furnished the wheat which was handled by that Grain Corporation.

Mr. WALSH. Will the gentleman yield?

Mr. STEENERSON. Not yet. In a moment I will. Equitably and in good conscience this money belongs to the farmers who furnished that wheat, and it is unconscionable to take that profit and say, "Here, this does not cost the people of the United States anything; it is a profit made out of the farmers." It is unconscionable to take that and give it away and say to the hundred million people of the United States this generosity costs you nothing; we will take it out of the farmers' fund.

Mr. SABATH. Will the gentleman yield?

Mr. STEENERSON. No; not yet. I say that fund ought to remain where it is, to relieve those farmers who have raised wheat in the two years since 1919, when that profit was made. There are thousands of them who lost the seed that they put in for two years. There are thousands of them who will have to leave their homes. Congress should take that money, made at the expense of the farmers' wheat, and use it for their relief. If you want to be generous, do not take it out of that fund, but take it out of the taxpayers at large. Take it out of the United States Treasury.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. STEENERSON. No; I decline to yield. I know what the gentleman is after.

Mr. CHANDLER of New York. No; the gentleman does not know what I am after. I want a little information, if the gentleman will yield.

Mr. STEENERSON. The gentleman has a way of insisting on being recognized, but, with all due respect, I am going to show him that I am not going to yield. [Laughter.]

It is unconscionable to take this \$20,000,000 of the money that belongs to the wheat raisers of the United States and give it away because you want to be charitable. Why do you not take it out of your own pockets? [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield to me?

Mr. STEENERSON. Certainly.

Mr. GARRETT of Tennessee. If the amendment prevails and it comes to the disposition of the assets of the Grain Corporation among the farmers who grew the wheat, has the gentleman a plan worked out for that distribution?

Mr. STEENERSON. Yes; I think we could keep that as a revolving fund to loan to those in North and South Dakota, Montana, Minnesota, and other States, who will either have to get their seed wheat from the Government this spring or have to let their farms stay idle. It is absolutely necessary, and it is a proper fund with which to aid our own farmers.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that all debate on the bill and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on the bill and amendments thereto close in 15 minutes. Is there objection?

Mr. FESS. Reserving the right to object, I have an amendment that I would like to present.

Mr. TEMPLE. This will not prevent the gentleman from presenting his amendment.

Mr. FESS. If I can get in. Somebody else may get in.

Mr. TEMPLE. I have not control of the time.

Mr. BARKLEY. Reserving the right to object, does the gentleman from Minnesota desire more time?

Mr. STEENERSON. I should like to have time to ask unanimous consent to extend my remarks in the Record if I can be recognized by the gentleman from Kentucky and also by the Chairman.

Mr. TEMPLE. Mr. Chairman, have I the floor?

The CHAIRMAN. The question is on the request of the gentleman from Pennsylvania [Mr. TEMPLE] for unanimous consent that debate on the bill and amendments thereto close in 15 minutes. Is there objection?

Mr. CONNALLY of Texas. I object on account of gentlemen on this side having amendments to offer.

Mr. TEMPLE. I move that all debate on this bill and amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this bill and amendments thereto close in 20 minutes.

The question was taken; and on a division (demanded by Mr. McSWAIN) there were—ayes 93, noes 20.

Accordingly the motion was agreed to.

Mr. WALSH. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Minnesota [Mr. STEENERSON]. If I were opposed to this bill upon the ground offered by the gentleman from Minnesota, I think I should vote for the bill. [Laughter.] The gentleman speaks of \$20,000,000 being now in the Treasury as a trust fund for the farmers of the United States or the wheat growers. Well, as a matter of fact, this money, as I understand it, is not yet in the Treasury. It is in the possession of the United States Grain Corporation, which is a private corporation organized under the laws of the State of Delaware, I think, in which corporation the President of the United States in his official capacity is the sole stockholder.

The gentleman from Minnesota [Mr. STEENERSON] would have this money held for the relief of the wheat growers and farmers of North Dakota, as one State he mentions. Of course, we all realize that after the régime which was sought to become established in that great Commonwealth there are a few farmers up there who need a little assistance. Undoubtedly, in view of the unfortunate experiments which they undertook, similar in some respects to that sought to be put into effect in this unhappy country and whom we are attempting to relieve by this bill, a large slice of the \$20,000,000 would come in handy at this particular season of the year. [Laughter.]

But, Mr. Chairman, I disagree with the gentleman from Minnesota. That money was intended to be turned back into the Treasury of the United States. It was not made from the poor farmers who sold their crops; it was made from the people who bought them. It was sold to all sorts of people

everywhere. It was sent abroad not only to countries involved in the war but to other countries not involved in the war which were unable to get normal supplies from their own sources.

Mr. STEVENSON. Will the gentleman yield?

Mr. WALSH. I will.

Mr. STEVENSON. This bill is not limited to the profits in the hands of the grain corporation. As I understand, the profits have been loaned out, and this is designed to be taken from the capital stock.

Mr. WALSH. I think the gentleman is in error. The funds in the hands of the grain corporation at the present time are the profits that that corporation has made on its various transactions. I may be in error.

Mr. STEVENSON. The gentleman is in error about that.

Mr. WALSH. The gentleman from Minnesota and the farmers of North Dakota would have an interesting time sitting down and trying to evolve a scheme for the distribution of this fund to the various farmers. You talk about the triple transportation system in Russia—if we had a distribution of this fund in Washington the rush of the farmers from those States to come in and get a part of that fund would soon cripple the transportation system of the United States. [Laughter.]

While we all appreciate the great help the American farmer is to our system—I am sure everyone realizes the kindly feeling I have toward him and his representatives here on the floor—I submit that, opposed to this measure as I am, I would prefer to see this fund, if they must divert it, taken out of the Treasury and put on its way to relieve these starving people rather than to hold out the hope to some farmer out yonder of the Non-partisan League that if he would only quit work and let his farm go to seed that down yonder in Washington there is a profit made on sales of grain during the war and if he writes the right kind of a letter to the right kind of Representative he can share in it. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. WINGO. Mr. Chairman—

The CHAIRMAN. Debate is exhausted on this amendment, and the question is on the amendment of the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

By unanimous consent, Mr. STEENERSON was given leave to extend his remarks in the Record.

Mr. FESS. Mr. Chairman, I offer the following amendment.

Mr. WINGO. Mr. Chairman, I understood that the committee closed debate in 20 minutes on the bill and not on the amendment.

The CHAIRMAN. It closed it on the whole bill.

Mr. WINGO. But the 20 minutes had not expired.

The CHAIRMAN. The Chair recognized the gentleman he thinks the Chair ought to recognize.

Mr. WINGO. But I was asking for recognition, and the Chair ruled that debate had been closed when it had not.

The CHAIRMAN. There had been one speech for and one speech against.

Mr. WINGO. But I had a perfect right to offer a pro forma amendment.

The CHAIRMAN. The Chair did not recognize the gentleman from Arkansas for that purpose and did recognize the gentleman from Ohio.

The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment by Mr. FESS: Page 1, line 6, after the word "people," strike out the words "of Russia" and insert in lieu thereof the words "in that portion of Russia known as the Volga Valley."

Mr. FESS. Mr. Chairman and members of the committee, I will not take the five minutes to discuss my amendment to limit this donation to the people within the famine-stricken district. I want to call attention to the fact that these charges that have been made by Members of the House that we are undertaking to salvage the suffering people in Europe without regard to the cause of suffering or the character of the people will largely lie if we leave this language as broad as it is, because it now extends to all portions of Russia, wherever suffering may exist, from whatever cause. In that case I think we ought to salvage the Armenian people and other populations outside as well as inside of Russia. We ought certainly to listen with considerable deference to the suggestion of the gentleman from West Virginia [Mr. GOODYKOONTZ] to take care of our own people. This should be done before we undertake to succor all the world. We establish a very serious precedent when we open the door so wide that there is no limit as to whom or what the people are, or the cause of their condition, that we are going to help in this



way. If we limit this to the suffering people of the Volga Valley, as provided in my amendment, and which was the purpose originally of those who asked it, then we have a precedent for our legislation and some justification for it. We then limit it to the suffering of the people under circumstances over which no one had control and no one could be responsible for, namely, famine, through failure of crops, which under the law we call the act of God. Such a situation invites our generous treatment and is justification for governmental action. In that case there is no charge that is justifiable that we are undertaking to salvage all Europe, no matter what it costs, by voting the people's money without their consent and in the face of much suffering here at home.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FESS. Yes.

Mr. GARRETT of Tennessee. Upon what authority does the gentleman state that the purpose of those asking for it was that it should be confined to the territory embraced in his amendment?

Mr. FESS. I base that upon the suggestion of those who appeared before the committee.

Mr. GARRETT of Tennessee. But that is not in the President's message, that is not in the statement made by the Committee on Foreign Affairs.

Mr. FESS. But will the gentleman permit me to answer his question? That is on the suggestion, as I was about to say, of the Secretary of Commerce, who presented the situation originally to the President and who has been identified with relief work in Europe for several years. It is with that in view that I should like to have the membership of the House understand the significance of the amendment, limiting this fund to the relief of the people who are suffering because of famine. Unless it is so limited I shall be compelled to vote against the measure and leave the relief to private contributions.

Mr. ROGERS. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. FESS. Yes.

Mr. ROGERS. I want to read a sentence from the President's message:

A severe drought in the valley of the Volga has plunged 15,000,000 people in grievous famine.

Mr. FESS. In other words, the President suggested the cause for which he asked relief, and confined it to the people to whom I wish here to confine it.

Mr. FAIRCHILD. Does not the gentleman consider with the present limitation of the bill that it is sufficient, being limited to the starving people of Russia, when the authority is conferred upon the President of the United States?

Mr. FESS. No. There are people who are suffering and perhaps starving in sections of Russia, not because of famine but rather a wicked and marauding band of political bandits now in charge of that unhappy country. These people are starving not because of a famine no one could avoid, but because of the interruptions and dislocations arising out of a bolshevik régime of government which could have been avoided, and the fruits of which must not be overlooked by the Russian people.

Mr. FAIRCHILD. Can they not safely leave that to the President of the United States?

Mr. FESS. I think we ought to close this door because if you keep it open no human being can tell where it will ultimately lead. I can not willingly open such a door. That sort of aid must be left to donations where I give my own money and not vote the people's money without their consent.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. LAYTON. If we leave this bill as it is, so as to include all Russia, will we not be putting ourselves under the imputation in the minds of the American people that we are aiding the soviet government as well?

Mr. FESS. I think so.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts read a portion of the President's message, to the effect that a drought in the valley of the Volga had brought starvation to many people. Of course it would, but the message surely does not mean that the relief shall be extended only where the drought occurred. A drought in the valley of the Mississippi would bring starvation to unnumbered millions of people in this country.

Mr. FESS. I insist that the President and the Secretary of Commerce had in mind the starving people in the famine dis-

trict, which is confined to the Volga region. Here the cause of suffering could not have been avoided, but there are sections where suffering might have been avoided.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. FESS. My friend from New York [Mr. CHANDLER] has been insisting all of the time that we should extend this to all the suffering people, and he has made a very strong argument. Ever since the war he has been one of the constant leaders for American governmental aid for certain European people who have his sympathy. If you are going to that extent, it must not be governmental. If so we are subject to the charge that we are salvaging Europe and not paying attention to our own suffering at home, and I do not propose to stand for that. While my sympathies are as deep as others for the suffering people of the Old World we must be both cautious with our power over the peoples' funds and generous to our own sufferers within our midst. If the funds are limited to the famine-stricken country I will vote for it. Otherwise I regret to be compelled to vote against it.

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment. I find myself somewhat confused by the argument of the gentleman from Ohio [Mr. Fess]. As I grasped the suggestion of the President of the United States, he placed his recommendation for relief upon the broad ground that the people of the United States would respond to the call of distress everywhere, and I noticed a good many gentlemen applauded that. I am unable to see why there would be a peculiar call upon the American people to go to the relief of the starving children in the valley of one river that would not be equally potent to go to the relief of the starving children in the valley of another river or on some mountain top.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I can not now. It but confirms the suspicion that I have, that underneath this bill possibly there is a question of international diplomacy, that you are trying to do things in an indirect way, diplomatically, in Europe. You are trying to do something with a gang of freebooters who have looted a fair country and have overridden a good, honest, simple people. I know something about the amount of gold that is coming from Russia. If I were President of the United States and had control of the customhouse at New York, I believe I could find some way to tell that gang of freebooters that is in charge in Russia that before they can bring in at one time \$45,000,000 of gold which they have stolen and distribute it for propaganda purposes in the United States, they must at least take \$20,000,000 of it to feed the starving children of their own country. [Applause.]

I am opposed to buying political peace with the bolshevik government. But that is not what you are going to do. If it is a call of distress to which you are going to respond, then the children in the valley of the other regions of Russia are God's children just the same as those in the valley of the Volga. And why should not this Government go to the relief of distress in another part of Europe if we go to relief of distress in the valley of the Volga River? What is the peculiar significance? Why do you want to limit it? You say that they have had a drought. Gentlemen, drought or no drought, the starving of children is not confined to the valley of the Volga in Russia. Distress is not the result simply of the drought over there. Why, gentlemen, you can go anywhere among the peasantry of Russia, with the exception possibly of one commune, and you will find starvation. Why? Because the processes of civilization have broken and fallen down. There is no stable economic structure. Loot and graft and pillage rule the land and the humble peasantry of Russia have their fields devastated; what grain they get is looted and taken from them, and they face starvation for their children from the lack of seed grain for their next year's crop. That is the only theory upon which you can seek to justify taking the people's money, and if you put it upon that ground, why limit it to the starving children of one valley of Russia and not go to the relief of the starving children of the rest of Russia. [Applause.]

Mr. BARKLEY. Is the gentleman able to give information as to how many people of the entire areas depend upon grain in the Volga Valley for support?

Mr. WINGO. I do not know, but it is very considerable, the number outside being greater.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Chairman, I desire to offer a substitute to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. CHANDLER of New York to the amendment offered by the gentleman from Ohio [Mr. Fess]: "The term 'Russia' as herein used shall be understood as being the limits of the Russian Empire existing at the outbreak of the World War."

Mr. CHANDLER of New York. Mr. Chairman, I desire to discuss—

Mr. FESS. Mr. Chairman, I make the point of order that is not a substitute. [Cries of "Vote!"] If it is a substitute, it has to go where the amendment of the gentleman from Ohio goes.

The CHAIRMAN. The Chair hardly thinks—

Mr. FESS. I make a point of order upon the amendment—will the Chair hear me—upon the basis that my amendment has limited the application of this fund to people of a district in Russia. I do not pretend to define the word "Russia." The gentleman from New York offers an amendment defining the word "Russia" that appears in the bill. That has no significance to what my amendment is.

The CHAIRMAN. The fact is, however, both have reference practically to defining the word "Russia" as it is in this bill, and the Chair overrules the point of order.

Mr. CHANDLER of New York. Mr. Chairman and gentlemen of the committee, I agree heartily with my friend from Arkansas [Mr. Wingo] that charity should have no geographic lines. Human suffering should be the only limit to its application.

In the few minutes allowed me in the matter of the substitute I have offered I wish to say that the amendment of my friend from Ohio [Mr. Fess] restricting the charity provided by this bill to the Volga Valley in Russia would be unjust, and, in a sense, barbarous and cruel. I am opposed to injecting bolshevism and the thought of punishing it into a work of national and international charity such as we contemplate by the passage of this measure. I believe that the blessings of charity, like the blessings of God, should fall upon all who deserve it, and should be dispensed everywhere in Russia without reference to bolshevik or nonbolshevik areas.

But if political subdivisions are to be observed, and if discriminations are to be made in the matter of the sufferers from starvation in the ancient lands of the Czars, those peoples of Russia that stood by our country and her allies in the great struggle to destroy militarism and to preserve liberty and civilization on the earth should not be forgotten. The people of the valley of the Volga are supposedly adherents of Lenin and Trotsky, and their children should certainly not receive special treatment in the great work of charity over the children of the peoples of Esthonia, Latvia, Lithuania, Georgia, and Azerbaidjan, the brave little non-Russian Republics of the former empire of the Czar that fought with us first against the Germans and for the last three years have been bravely fighting bolshevism and the red armies of Russia, gun in hand, at the frontiers of their homelands.

Now, I did not intend to offer this substitute until my good friend from Ohio [Mr. Fess] attempted by his proposed amendment to limit the area of charity. In my judgment, the question of the areas of distress should be left to the discretion of the President and to the administrators of the money to be voted, as to what "Russia" means, and to give charity in those regions where the suffering is greatest.

I myself can personally testify that in the Baltic States and in the countries of the Caucasus, distant from the valley of the Volga, the suffering is appalling. Besides, Mr. Vickery, of the Near East Relief, who has just returned from Constantinople and from Tiflis in Georgia, recently said to me that the suffering of the Caucasus was heartrending, and that the need of charity was imperative.

Mr. WALSH. Will not the gentleman's amendment make those funds available over so large a territory and such an increased population that the average relief will be small?

Mr. CHANDLER of New York. I will say to the gentleman that both the Baltic and Caucasian States are more accessible, as far as transportation is concerned, than are the regions of the Volga, and as to the distribution of the fund it should be given to all alike where the suffering is equal.

But in any case, it would be ironically cruel to pass through Reval and Riga on the Baltic coast and through Batoun and Baku, ports of the Caucasus, carrying food past the doors of starving men, women, and children of the countries that have been our friends in the greatest crisis of the history of mankind, to be delivered to the inhabitants of the Volga in the very heart of the country of bolshevism, the great political scourge and curse of mankind.

If the area of charity be limited by the amendment of the gentleman from Ohio [Mr. Fess], after the defeat of the sub-

stitute that I am offering, to the Volga Valley, what will the starving people of certain afflicted areas in the Baltic States and in the lands of the Caucasus say of the heartless ingratitude of those for whom they fought and sacrificed and died? I ask the committee to support the substitute that I have offered, and thereby defeat the amendment of the gentleman from Ohio [Mr. Fess], to the end that the President and the administrators of the charity fund provided by this bill may dispense the money that we are giving to the greatest sufferers and the neediest among the starving people of all Russia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Chairman—

The CHAIRMAN. The question is on the reporting of the substitute.

Mr. CHINDBLOM. Mr. Chairman, the substitute, of course, will take the place of the amendment. How will the text read with the substitute incorporated?

The CHAIRMAN. The gentleman from Illinois asks for the reading of the amendment offered by the gentleman from Ohio to the substitute offered by the gentleman from New York. Without objection, the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. Fess: Page 1, line 6, before the word "people," strike out the words "of Russia" and insert "in that portion of Russia known as the Volga Valley."

Substitute offered by Mr. CHANDLER of New York for the amendment offered by Mr. Fess: The term "Russia," as herein used, shall be understood as being the limits of the Russian Empire existing at the outbreak of the World War.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. If the substitute is adopted, where will it appear in the text?

The CHAIRMAN. The amendment was offered, as the Chair understood, by the gentleman from Ohio as a substitute to the text.

Mr. CHANDLER of New York. I offered to amend his amendment.

The CHAIRMAN. Is there objection?

Mr. WALSH. Reserving the right to object, I will suggest to the gentleman from New York that would not make good sense, as that follows the word "Russia."

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. CHANDLER].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Ohio [Mr. Fess].

The question was taken, and the amendment was rejected.

Mr. BANKHEAD. Mr. Chairman, I have an amendment I desire to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: In line 10, strike out the figures "20,000,000" and insert in lieu thereof the figures "10,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BANKHEAD. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 60, noes 78.

So the amendment was rejected.

Mr. TEMPLE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9548 and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TEMPLE. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. GARRETT of Tennessee. Pending that, may I ask the gentleman from Wyoming a question? Will there be any further business attempted this afternoon?

Mr. MONDELL. No; I think not.

Mr. GARRETT of Tennessee. There will be none? We will adjourn after we finally dispose of this bill?



Mr. MONDELL. That is my expectation.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There being no demand, the amendments were agreed to en gross.

The question then being on the engrossment and third reading of the bill, the bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. JOHNSON of Washington. Division, Mr. Speaker.

The House divided; and there were—ayes 140, yeas 51.

Mr. CONNALLY of Texas. Mr. Speaker, I demand the yeas and nays.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present, and I challenge the vote just had for that reason.

The SPEAKER. Clearly there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 181, nays 71, answered "present" 4, not voting 175, as follows:

## YEAS—181.

Ackerman	Dyer	Kinkaid	Schall
Andrew, Mass.	Elliott	Kirkpatrick	Scott, Mich.
Andrews, Nebr.	Ellis	Kissel	Scott, Tenn.
Ansorge	Evans	Kline, N. Y.	Shelton
Anthony	Fairchild	Kline, Pa.	Shreve
Arentz	Fairfield	Kopp	Siegel
Barkley	Faust	Lampert	Sinclair
Beck	Fields	Lankford	Sinnott
Begg	Fitzgerald	Larson, Minn.	Smith, Idaho
Benham	Fordney	Linthicum	Smith, Mich.
Bird	Foster	Little	Snell
Boies	Frear	London	Speaks
Britten	French	Luce	Stedman
Browne, Wis.	Frothingham	Luhning	Stephens
Bulwinkle	Fuller	McCormick	Strong, Kans.
Burroughs	Garrett, Tex.	McLaughlin, Nebr.	Summers, Wash.
Butler	Gerner	McPherson	Sweet
Cable	Gorman	Magee	Tague
Campbell, Kans.	Graham, Ill.	Mapes	Temple
Campbell, Pa.	Green, Iowa	Martin	Thompson
Cantrill	Greene, Mass.	Merritt	Tilson
Chalmers	Griffin	Miller	Timberlake
Chandler, N. Y.	Hadley	Millsbaugh	Tincher
Chandler, Okla.	Hardy, Colo.	Mondell	Towner
Chindblom	Haugen	Montoya	Upshaw
Clague	Hawley	Moore, Ohio	Vestal
Clarke, N. Y.	Herrick	Moore, Ind.	Voigt
Cockran	Hersey	Morgan	Volstead
Cole, Ohio	Hickey	Mott	Walters
Collins	Hicks	Mudd	Ward, N. C.
Colton	Hill	Murphy	Watson
Cooper, Ohio	Hoch	Nelson, A. P.	Weaver
Cooper, Wis.	Hogan	Nelson, J. M.	Wheeler
Copley	Houghton	Newton, Minn.	White, Kans.
Cramton	Huddleston	Padgett	White, Me.
Crowther	Hukriede	Parker, N. Y.	Williamson
Curry	Husted	Purnell	Winslow
Dallinger	Ireland	Ramseyer	Woodruff
Darrow	Johnson, Ky.	Reece	Woods, Va.
Davis, Minn.	Johnson, Wash.	Reed, N. Y.	Wyant
Dempsey	Keller	Reed, W. Va.	Yates
Dickinson	Kelley, Mich.	Ricketts	Young
Doughton	Kelly, Pa.	Rogers	Zihlman
Dowell	Ketcham	Rose	
Dunbar	Kindred	Sabath	
Dupré	King	Sanders, N. Y.	

## NAYS—71.

Almon	Fess	Lowrey	Sproul
Aswell	Freeman	McDuffie	Stafford
Bankhead	Fulmer	Madden	Steagall
Black	Garrett, Tenn.	Moore, Va.	Steenerson
Bland, Va.	Gensman	Oldfield	Stevenson
Bowling	Goodykoontz	Oliver	Stoll
Box	Greene, Vt.	Overstreet	Swank
Buchanan	Hammer	Park, Ga.	Taylor, Tenn.
Burdick	Jacoway	Parks, Ark.	Tillman
Byrnes, S. C.	Jeffers, Ala.	Parrish	Tyson
Byrnes, Tenn.	Jones, Tex.	Rankin	Valle
Carter	Kraus	Rayburn	Vinson
Clouse	Lanham	Robertson	Walsh
Connally, Tex.	Larsen, Ga.	Rolsion	Wason
Crisp	Layton	Rouse	Wingo
Deal	Lazaro	Sanders, Tex.	Wise
Drewry	Lee, Ga.	Sandlin	Wright
Driver	Logan	Smithwick	

## ANSWERED "PRESENT"—4.

McSwain	Porter	Sumners, Tex.	Treadway
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## NOT VOTING—175.

Anderson	Blakeney	Brinson	Carew
Appleby	Bland, Ind.	Brooks, Ill.	Christopherson
Atkeson	Blanton	Brooks, Pa.	Clark, Fla.
Bacharach	Bond	Brown, Tenn.	Classon
Barbour	Bowers	Burke	Codd
Beedy	Brand	Burtness	Cole, Iowa
Bell	Brennan	Burton	Collier
Bixler	Briggs	Cannon	Connell

Connolly, Pa.	Hull	Maloney	Rhodes
Coughlin	Humphreys	Mann	Riddick
Crago	Hutchinson	Mansfield	Riordan
Cullen	James	Mead	Roach
Dale	Jeffers, Nebr.	Michaelson	Rodenberg
Davis, Tenn.	Johnson, Miss.	Michener	Rosenbloom
Denison	Johnson, S. Dak.	Mills	Rossdale
Dominick	Jones, Pa.	Montague	Rucker
Drane	Kahn	Moore, Ill.	Ryan
Dunn	Kearns	Morin	Sanders, Ind.
Echols	Kendall	Newton, Mo.	Sears
Edmonds	Kennedy	Nolan	Shaw
Favrot	Kiess	Norton	Sisson
Fenn	Kincheloe	O'Brien	Slemp
Fish	Kitchin	O'Connor	Snyder
Fisher	Klecza	Ogden	Stiness
Focht	Knight	Olpp	Strong, Pa.
Free	Knutson	Osborne	Sullivan
Funk	Kreider	Paige	Swing
Gahn	Kunz	Parker, N. J.	Taylor, Ark.
Gallivan	Langley	Patterson, Mo.	Taylor, Colo.
Garner	Lawrence	Patterson, N. J.	Taylor, N. J.
Gilbert	Lea, Calif.	Perkins	Ten Eyck
Glynn	Leatherwood	Perlman	Thomas
Goldsborough	Lee, N. Y.	Peters	Tinkham
Gould	Lehlbach	Petersen	Underhill
Graham, Pa.	Lineberger	Pou	Vare
Griest	Longworth	Pringey	Volk
Hardy, Tex.	Lyon	Quin	Ward, N. Y.
Harrison	McArthur	Radcliffe	Webster
Hawes	McClintic	Rainey, Ala.	Williams
Hayden	McFadden	Rainey, Ill.	Wilson
Hays	McKenzie	Raker	Wood, Ind.
Himes	McLaughlin, Mich.	Ransley	Woodyard
Hooker	McLaughlin, Pa.	Reavis	Wurzbach
Hudspeth	MacGregor	Reber	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. PORTER (for) with Mr. BELL (against).

Mr. McLAUGHLIN of Michigan (for) with Mr. McSWAIN (against).

Mr. KAHN (for) with Mr. McCLINTIC (against).

Mr. CULLEN (for) with Mr. WOODYARD (against).

Mr. BACHARACH (for) with Mr. DAVIS of Tennessee (against).

Mr. HUTCHINSON (for) with Mr. FREE (against).

Mr. LAWRENCE (for) with Mr. QUIN (against).

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. WURZBACH with Mr. SUMNERS of Texas.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. ROSENBLUM with Mr. O'CONNOR.

Mr. APPLEBY with Mr. FISHER.

Mr. DENISON with Mr. DOMINICK.

Mr. BRENNAN with Mr. HUDSPETH.

Mr. BLAND of Indiana with Mr. THOMAS.

Mr. LEATHERWOOD with Mr. HAYDEN.

Mr. BARBER with Mr. KINCHELOE.

Mr. RODENBERG with Mr. RUCKER.

Mr. PATTERSON of Missouri with Mr. FAVROT.

Mr. REBER with Mr. CAREW.

Mr. GRIEST with Mr. MONTAGUE.

Mr. FISH with Mr. RIORDAN.

Mr. ATKESON with Mr. TAYLOR of Arkansas.

Mr. KNIGHT with Mr. HOOKER.

Mr. PATTERSON of New Jersey with Mr. BRIGGS.

Mr. RHODES with Mr. GOLDSBOROUGH.

Mr. KEARNS with Mr. MANSFIELD.

Mr. MORIN with Mr. LEA of California.

Mr. BURKE with Mr. O'BRIEN.

Mr. ROACH with Mr. POE.

Mr. SNYDER with Mr. GALLIVAN.

Mr. NORTON with Mr. HARRISON.

Mr. VOLK with Mr. SISSON.

Mr. WILLIAMS with Mr. TEN EYCK.

Mr. TAYLOR of New Jersey with Mr. RAKER.

Mr. FUNK with Mr. GARNER.

Mr. DUNN with Mr. BRAND.

Mr. BIXLER with Mr. DRANE.

Mr. HULL with Mr. MEAD.

Mr. JEFFERIS of Nebraska with Mr. RAINEY of Illinois.

Mr. MOORE of Illinois with Mr. SEARS.

Mr. KENNEDY with Mr. GILBERT.

Mr. VARE with Mr. SULLIVAN.

Mr. PERLMAN with Mr. WILSON.

Mr. CONNELLY of Pennsylvania with Mr. HUMPHREYS.

Mr. NEWTON of Missouri with Mr. HARDY of Texas.

Mr. ROSSDALE with Mr. LYON.

Mr. OSBORNE with Mr. KUNZ.

Mr. OLPP with Mr. BRINSON.

Mr. LEHLBACH with Mr. HAWES.

Mr. McARTHUR with Mr. JOHNSON of Mississippi.

Mr. MILLS with Mr. BLANTON.

Mr. RADCLIFFE with Mr. TAYLOR of Colorado.

Mr. BLAKENY with Mr. RAINEY of Alabama.

Mr. TREADWAY. Mr. Speaker, I voted "yea," but having a general pair with the gentleman from Mississippi, Mr. COLLIER, who, I think, has not voted, I desire to withdraw my vote and to answer "present."

Mr. PORTER. I voted "yea," but I am paired, and I would like to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. TEMPLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that on December 16 they had presented to the President of the United States, for his approval, the following bill:

H. R. 8744. An act granting the consent of Congress to the State of North Dakota, the county of Cass, and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay, and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., and for other purposes.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RAKER, for three weeks, on account of attending the funeral of his colleague [Mr. ELSTON].

#### LEAVE TO EXTEND REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

Mr. NEWTON of Minnesota. I make the same request.

Mr. ROSE. I make the same request.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS], the gentleman from Minnesota [Mr. NEWTON], and the gentleman from Pennsylvania [Mr. ROSE] ask unanimous consent to extend their remarks on the bill just passed. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. TEMPLE. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Monday, December 19, 1921, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

425. A letter from the Director of the United States Veterans' Bureau, transmitting statement of expenses incurred by officers and employees of the Federal Board for Vocational Education traveling on official business to points outside of Washington during the fiscal year ending June 30, 1921; to the Committee on Expenditures in the Treasury Department.

426. A letter from the Comptroller General of the General Accounting Office, transmitting statement of the number of employees of the General Accounting Office receiving additional compensation at the rate of \$240 per annum for the first four months of the fiscal year 1922; to the Committee on Appropriations.

427. A letter from the Secretary of War, transmitting tentative draft of a bill authorizing the purchase of land for cemeteries for American military dead in Europe, and the improvement thereof (H. Doc. No. 141); to the Committee on Appropriations and Military Affairs and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9240) for the erection of a vault building for the use of the Treasury Department, Washington, D. C., reported the same with an amendment, accompanied by a report (No. 519), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate,

and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, reported the same without amendment, accompanied by a report (No. 520), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CONNALLY of Texas, from the Committee on Foreign Affairs, to which was referred the bill (S. 2133) ceding jurisdiction to the State of Texas over certain lands or bancos acquired by the United States of America from the United States of Mexico, reported the same with amendments, accompanied by a report (No. 521), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNE of Wisconsin, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 233) providing for the postponement of the World's Dairy Congress, reported the same with an amendment, accompanied by a report (No. 522), which said joint resolution and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8868) granting an increase of pension to Mary E. Newlin, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINCHER: A bill (H. R. 9599) to allocate the control, administration, and supervision of all functions of the Government principally affecting agriculture, forestry, and food to the Department of Agriculture; to the Committee on Agriculture.

By Mr. MURPHY: A bill (H. R. 9600) providing for the purchase of a site and the erection thereon of a public building at Cadiz, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. FISH: A bill (H. R. 9601) providing ocean transportation to parents and wives of certain deceased persons who lost their lives during the World War and who are buried abroad; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 9602) authorizing appropriations and expenditures for foreign intercourse, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 9603) to amend section 23 of the war risk insurance act, approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. NELSON: A bill (H. R. 9604) for the acquisition of a post-office site at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. WATSON: A bill (H. R. 9605) to provide revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. KINKAID: A bill (H. R. 9606) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. ANSORGE: A bill (H. R. 9607) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; to the Committee on the Judiciary.

By Mr. VAILE: A bill (H. R. 9608) granting pensionable status to surviving members of the Third Battalion of Ohio Militia who served during the Civil War, and to widows of certain members of said battalion; to the Committee on Pensions.

By Mr. LARSEN of Georgia: Joint resolution (H. J. Res. 235) proposing an amendment to the Constitution of the United States excluding aliens in the apportionment of Representatives among the several States; to the Committee on the Judiciary.

By Mr. McLAUGHLIN of Nebraska: Joint resolution (H. J. Res. 236) providing for the placing of items on an appropriation bill under certain conditions; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 9609) granting a pension to Sophia M. Degee; to the Committee on Invalid Pensions.



By Mr. BROOKS of Pennsylvania: A bill (H. R. 9610) granting an increase of pension to Matilda W. Leightner; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 9611) granting a pension to Isabel Noe; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9612) granting a pension to Amelia Fleschla; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9613) granting a pension to Joanna Craig; to the Committee on Invalid Pensions.

By Mr. LOGAN: A bill (H. R. 9614) for the relief of H. L. Koester; to the Committee on Claims.

Also, a bill (H. R. 9615) for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers; to the Committee on Claims.

By Mr. LOWREY: A bill (H. R. 9616) for the relief of the heirs or legal representative of Samuel M. Mauney, captain, Medical Reserve Corps, United States Army, deceased; to the Committee on War Claims.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9617) granting a pension to Alfred Skinner; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 9618) granting a pension to Julia Hill; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 9619) granting a pension to Martha J. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9620) granting a pension to Sarah A. Leonard; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9621) granting a pension to John W. Stubbs; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 9622) granting a pension to Mattie T. Watts; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 9623) granting a pension to Alice K. King; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 9624) granting a pension to J. E. Reese; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9625) granting an increase of pension to William Poole; to the Committee on Pensions.

By Mr. SMITHWICK: A bill (H. R. 9626) granting a deed of quitclaim and release to the Traders' Brokerage Co., a corporation, of certain land in the city of Pensacola, Fla.; to the Committee on the Public Lands.

By Mr. TILLMAN: A bill (H. R. 9627) granting a pension to James W. Officer; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 9628) to correct the military record of Robert E. A. Landauer; to the Committee on Military Affairs.

By Mr. VAILE: A bill (H. R. 9629) granting an increase of pension to Henry F. Tower; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9630) granting a pension to Georgianna Peabody; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 9631) for the relief of Edward F. Dunne, Jr.; to the Committee on Claims.

By Mr. KAHN: Resolution (H. Res. 251) to pay Helen M. Netherwood and Rowena Bond, clerks to the late Hon. John A. Elston, one month's salary; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3328. By the SPEAKER (by request): Petition of James Davis and 178 other citizens of the United States residing in the fifth congressional district of the State of Michigan, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3329. Also (by request), resolution of the Minneapolis Trades and Labor Assembly, opposing the establishment of courts to fix wages and working conditions; to the Committee on the Judiciary.

3330. Also (by request), resolution from the National Association of Post Office Laborers, urging the passage of the Rossdale bill (H. R. 5761); to the Committee on the Post Office and Post Roads.

3331. Also (by request), resolution of the Merchants and Manufacturers' Association of Baltimore, congratulating President Harding on the general tenor of his recent message to Congress and commending him particularly for his bold attempt to suggest solutions for several of the more important and far-

reaching problems, and offering other resolutions relative to taxation; to the Committee on Ways and Means.

3332. By Mr. ANSORGE: Petition of the Harlem Board of Commerce, relative to pending railroad legislation; to the Committee on Interstate and Foreign Commerce.

3333. Also, petition of Richards & Geier, of 277 Broadway, New York, relative to the German peace treaty; to the Committee on Foreign Affairs.

3334. Also, petition of James Denike, of 488 St. Nicholas Avenue, New York, urging the passage of House bill 6433, providing an increase in pension for retired employees; to the Committee on Reform in the Civil Service.

3335. By Mr. BARBOUR: Petition of California State Board of Forestry, expressing disapproval of the transfer of the Forestry Service from the Department of Agriculture to another department; to the Committee on Agriculture.

3336. By Mr. BEGG: Resolutions of Wooster-Boalt Post, No. 34, Grand Army of the Republic, of Norwalk, Ohio, urging the enactment of the Morgan bill (H. R. 7213) allowing veterans of the Civil War a pension of \$72 per month and widows of Civil War veterans a pension of \$50 per month; to the Committee on Invalid Pensions.

3337. By Mr. BIXLER: Petition of the National Colored Women's Legislative Bureau, favoring the passage of the Dyer bill; to the Committee on the Judiciary.

3338. By Mr. BYRNS of Tennessee: Evidence in support of House bill 9611, granting a pension to Isabel Noe, widow of John T. Noe; to the Committee on Pensions.

3339. By Mr. DRIVER: Petition of D. J. Carter, of Blytheville, Ark., for the reduction of passenger rates; to the Committee on Interstate and Foreign Commerce.

3340. By Mr. FULMER: Resolutions of Group Seven of the South Carolina Bankers' Association, petitioning the enactment of Federal legislation to perpetuate the War Finance Corporation in the interest of agriculture; to the Committee on Banking and Currency.

3341. By Mr. KELLY of Pennsylvania: Resolution of National Federation of Business and Professional Women's Clubs, favoring the limitation of armament; to the Committee on Foreign Affairs.

3342. By Mr. KINDRED: Petition opposing the proposition for the meat packers to resume the distribution of other food products; to the Committee on Agriculture.

3343. By Mr. KISSEL: Petition of the American Velvet Co., Continental Paper & Bag Mills, and Salt's Textile Co. (Inc.), all of New York City; to the Committee on Ways and Means.

3344. Also, petition of the Magor Car Corporation, of New York City; to the Committee on Interstate and Foreign Commerce.

3345. By Mr. McDUFFIE: Telegram from the Alabama Hotel Men's Association, urging the Government of the United States to accept the offer of Henry Ford to complete and operate the project at Muscle Shoals, Ala.; to the Committee on Military Affairs.

3346. By Mr. OSBORNE: Memorial of Jack Kemp and 120 other students of the Hollywood High School, Hollywood, Calif., urging the support of the administration in its every attempt to bring about world peace; to the Committee on Foreign Affairs.

3347. By Mr. RAKER: Petition of Feather River Lodge, No. 1246, United Brotherhood of Maintenance of Way Employees and Railroad Shop Laborers, requesting support of Senate bill 2342 and support of the inheritance and transfer tax bill to be introduced by Senator LA FOLLETTE; to the Committee on Ways and Means.

3348. Also, petition of Martha F. Crawford, Della S. Kidder, Rebekah E. Hemsted, C. E. Walker, Mrs. M. J. Givan, Mrs. W. R. Prosser, Mrs. Ella Mae Flowers, Mrs. H. W. Knapp, Mrs. Mabel Falconer, Mrs. C. E. Walker, Mrs. A. H. Gronwoldt, Mrs. E. L. Story, Mrs. Ben Klickert, Mrs. Rolla Arbuckle, Mrs. Kate E. Webb, and J. M. Rochford, all of Redding, Calif., protesting against the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

3349. Also, petition of R. Ramsey and Mark L. Burns, of Sacramento, Calif., indorsing the Towner-Sterling bill (S. 1252 and H. R. 7); to the Committee on Education.

3350. Also, telegram from Federal Employees' Union No. 1, of San Francisco, Calif., requesting support of the Lehlbach reclassification measure; to the Committee on Reform in the Civil Service.

3351. Also, petition of the International One Hundred Per Cent Club, of San Francisco, Calif., urging the adoption of the metric system by the Congress of the United States; to the Committee on Coinage, Weights, and Measures.